CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, NOVEMBER 27, 2018

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

AGENDA

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

2. **EXECUTIVE SESSION**

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

3. **PLEDGE OF ALLEGIANCE / APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE - 6:30 PM**

4. **PUBLIC COMMENT - 6:35 PM**

5. **MAYOR'S REPORT - 6:40 PM**

6. **CITY MANAGER'S REPORT - 6:45 PM**

7. **PRESENTATION(S)**

   7.A (6:50 PM) Resolution No. 2018-32, Recognizing and Congratulating the Association of Bainbridge Communities for its Service to the Community on the 40th anniversary of its Founding - Mayor Medina, 5 Minutes
   Resolution No. 2018-32, Recognizing ABC's 40th Anniversary

8. **CITY FUNDING DECISIONS**

   8.A (6:55 PM) Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations - Executive, 15 Minutes

HSFAC Recommendation for 2019-20

8.B (7:10 PM) Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive, 15 Minutes
2019 LTAC Funding Recommendations

9. PUBLIC HEARING(S)

9.A (7:25 PM) Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions - Planning, 15 Minutes
Memo Re: Ordinance No. 2018-30
Ordinance No. 2018-30,Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions
2018 Bremerton-Silverdale MSA HUD Median Income Limit
Housing Resources Bainbridge Comments

10. UNFINISHED BUSINESS

10.A (7:40 PM) Consideration of Ordinance No. 2018-40 Relating to the Levy of Property Taxes for Collection in 2019. 10 Minutes
Ordinance No. 2018-40 Relating to the Levy of Property Taxes for Collection in 2019
City of Bainbridge Island Levy Limit Calculation 11 13 18 TY-2019.docx

10.B (7:50 PM) Amendments to the Shoreline Master Program (SMP) Relating to Integration of Critical Areas Regulations and Nonconforming Structures, Uses, and Lots - Planning, 30 Minutes
20181016 Nonconforming Structures Summary Table
Draft SMP Amendment - Critical Areas & Nonconforming - Public Hearing Draft - All track changes
October 2, 2018 Presentation - Critical Areas and Nonconforming Structures, Uses, and Lots
Existing SMP Nonconforming Chapter
October 8, 2018 Staff Memo - SMP Amendment
FINAL PC RATIONALE FOR SMP NONCONFORMING AMENDMENTS
November 27, 2018 Staff Memo - Nonconforming Structures
September 11, 2018 Staff Memo

10.C (8:20 PM) Set Public Hearing on Ordinance No. 2018-45, Extending the Duration of the Interim Official Control Related to the Preservation of Landmark Trees - Planning, 5 Minutes
Ordinance No. 2018-45, Extending the Duration of the Landmark Tree Interim Official Control
Chapter 16.32 BIMC, Preservation of Landmark Trees

10.D (8:25 PM) Sportsman Club and New Brooklyn Intersection Design Professional Services Agreement Amendment No. 1 - Public Works, 10 Minutes
17248 Revised Supplemental Agreement No. 1.pdf
Resolution No. 2018-11 Sportsman Club and New Brooklyn Road Intersection Improvements
Project Contingency List Funding Approved 032718.pdf

10.E (8:35 PM) Code Enforcement: Updates to Chapter 1.26 BIMC - Planning, 30 Minutes
November 27, 2018 - Code Enforcement: Updating Chapter 1.26 BIMC
Chapter 1.26 BIMC - The City's Current General Code Enforcement Chapter

COBI Standard Operating Procedures for Code Enforcement Actions

11. NEW BUSINESS

11.A (9:05 PM) Resolution No. 2018-31, Updating the Planning and Community Development Department's Administrative Manual - Planning, 10 Minutes
Resolution No. 2018-31, Updating the PCD Administrative Manual
Exhibit A to Resolution No. 2018-31 - Updated Administrative Manual

11.B (9:15 PM) Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity - Planning, 10 Minutes
Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity

11.C (9:25 PM) Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, Related to Water Rights - Public Works, 10 Minutes
Amendment No 1 to the PSA with Aspect Consulting, LLC, Related to the Evaluation of Water Rights
Professional Services Agreement with Aspect Consulting, LLC, Related to the Evaluation of Water Rights
Aspect Consulting's Phase 1 Findings and Recommendations

11.D (9:35 PM) Ordinance No. 2018-44 Relating to 2018 4th Quarter Budget Amendments - Finance, 10 Minutes
ORD 2018-44 2018 4th QTR Budget Adjustments
Ord 2018- Attachment A - Q3 and 4 Budget Amendments (First Reading).pdf

11.E (9:45 PM) Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive, 10 Minutes
Amendment No 1 to the Contract for Indigent Defense Services
Contract for Indigent Defense Services
Resolution No. 2014-14, Adopting Public Defense Standards

12. CONSENT AGENDA

12.A (9:55 PM) Agenda Bill for Consent Agenda, 5 Minutes

12.B Accounts Payable and Payroll
Report to Council of Cash Disbursements 11-27-18
Payroll

12.C Special City Council Study Session Minutes, November 6, 2018
CCMIN 110618 SPECIAL STUDY SESSION

12.D City Council Regular Business Meeting Minutes, November 13, 2018
CCMIN 111318 BUSINESS

12.E WestNet Interlocal Agreement - Police, 5 Minutes

WestNET Interlocal Agreement

12.F Registered Sex Offender Address and Residency Verification MOU with Kitsap County Sheriff's Office - Police, 5 Minutes
2018-19 Registered Sex Offender Address and Residency Verification MOU

12.G 2019-21 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department - Executive, 5 Minutes
2019-2021 Fire Safety Services Agreement

12.H Contract Amendment to the Legal Services Agreement for Prosecution Services with the Kitsap County Prosecuting Attorney's Office - Executive, 5 Minutes
Contract Amendment to the Legal Services Agreement for Prosecution Services
2019 Breakdown of KCPAO Attorney and Staff Costs

12.I Resolution No. 2018-24 Amending the 2018 Fee Schedule to Update Fees for Obtaining Public Records - Executive, 5 Minutes
Resolution No. 2018-24, Amending Fee Schedule to Provide for Public Records Fees
Draft - 2018 Public Record Administrative Rules
Public Records Request Summary from 2017 Year End Metrics
SAO - Performance Audit Report - The Effect of Public Records Requests on State and Local Governments
State Auditor's webpage - Trends in Public Records Requests
SAO - The Effect of Public Records Requests on State and Local Governments (Summary Document)

12.J Ordinance No. 2018-39 Adopting the Budget of the City for Fiscal Years ending December 31, 2019, and December 31, 2020 - Finance, 5 Minutes
Ordinance_No._2018-39_Adopting_Two-Year_Biennial_Budget_for_FY_2019-20.docx
2019 Exhibit A - as Adopted v1.pdf
2020 Exhibit B - as Adopted v1.pdf

13. COMMITTEE REPORTS

13.A (10:00 PM) Committee Reports, 5 Minutes
Environmental Technical Advisory Committee Meeting Minutes, November 1, 2018.pdf
Multi-Modal Transportation Advisory Committee Meeting Minutes, September 24, 2018.pdf
Utility Advisory Committee Meeting Minutes, October 24, 2018.pdf

14. FOR THE GOOD OF THE ORDER - 10:05 PM

15. ADJOURNMENT - 10:15 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.

 **City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.**

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 30 Minutes

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

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
Executive session discussion.

SUMMARY:
Executive session.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (6:50 PM) Resolution No. 2018-32, Recognizing and Congratulating the Association of Bainbridge Communities for its Service to the Community on the 40th anniversary of its Founding - Mayor Medina,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Resolution No. 2018-32.

SUMMARY:
Consideration of Resolution No. 2018-32, recognizing and congratulating the Association of Bainbridge Communities for its service to the community on the 40th anniversary of its founding.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Resolution No. 2018-32, Recognizing ABC's 40th Anniversary

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2018-32

A RESOLUTION of the City of Bainbridge Island, Washington, recognizing and congratulating the Association of Bainbridge Communities for its service to the community on the 40th anniversary of its founding.

WHEREAS, the Association of Bainbridge Communities ("ABC") was founded in November 1978, forty years ago; and

WHEREAS, ABC has contributed enormously to the awareness of environmental issues affecting Bainbridge Island residents, including the cleanup of the Wyckoff creosote site leading to the acquisition of Pritchard Park; and

WHEREAS, ABC has assisted neighborhood organizations in preserving the environment, including saving the Grand Forest, limiting development of Port Blakely Tree Farms, and cleaning up the Vincent Road Landfill; and

WHEREAS, ABC has worked to improve and extend the Waterfront Trail to provide residents and visitors public access to the shoreline of Winslow; and

WHEREAS, ABC, working with municipal organizations, has implemented Integrated Pest Management policies for our schools, parks, and city to provide healthy public places; and

WHEREAS, ABC has provided important historical records through its publications, such as its newsletter *Scotch Broom* and book *In Praise of Island Stewards*; and

WHEREAS, ABC has joined with other island groups to cosponsor the Annual ABC Environmental Conference on important subjects affecting the community and to select the Environmentalist of the Year; and

WHEREAS, ABC has frequently spoken up for saving trees from being clearcut, especially along Scenic Highway 305; and

WHEREAS, ABC reviews and comments on land use legislation and applications which affect the environment.

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

The Mayor and the City Council of the City of Bainbridge Island do formally recognize and congratulate the Association of Bainbridge Communities for its work to preserve and improve the island's environment on the 40th anniversary of its founding.

PASSED by the City Council on this ___ day of _____, 2018.

APPROVED by the Mayor this ___ day of _____, 2018.

By: _____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: November 21, 2018
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 2018-32

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (6:55 PM) Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations - Executive,

STRATEGIC PRIORITY: Healthy and Attractive Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to forward the Human Services Funding Advisory Committee's recommendation for 2019 and 2020 funding for approval with the December 11, 2018 Consent Agenda, and to authorize the City Manager to execute agreements with the recipient organizations to reflect the funding amounts approved by the City Council.

SUMMARY:
The City received 18 proposals from 15 organizations, with total funding requests of roughly $1,400,000. The Human Services Funding Advisory Committee ("HSFAC") reviewed these proposals, received presentations from applicants, and arrived at a funding recommendation for consideration by the City Council.

The attached report outlines the HSFAC's recommendation for 2019-20 funding awards.

FISCAL IMPACT:

Amount:	$660,000
Ongoing Cost:	
One-Time Cost:	$660,000
Included in Current Budget?	Yes

BACKGROUND: The City of Bainbridge Island provides significant financial support for human services in the community through funding for local nonprofit agencies that serve Bainbridge Island residents across a variety of programs and services. The City has adopted a process to guide City funding decisions that relies on a citizen advisory committee, the Human Services Funding Advisory Committee ("HSFAC"). The City uses a

two-year funding cycle to enhance predictability for recipient organizations and to reduce administrative burdens for both community partners and City staff.

In August, the City appointed seven members to the citizen advisory committee (one member withdrew due to timing conflicts). In September, the City issued a Request for Proposals (RFP) for human services activities that support the residents of Bainbridge Island. The City's RFP sought to encourage projects of all sizes, and identified a minimum award of $5,000 and a maximum annual award of $165,000 (to reflect 50% of available annual funds).

In the most recent previous funding cycle (2017-2018), the City Council approved funding of $660,000 to support human services activities. This cycle is still underway, and so final reporting on outcomes is not yet available. However, mid-cycle status reports are available from recipient organizations. These reports describe results through the first year of the funding cycle (1/1/2017 - 12/31/2017). These reports were provided to HSFAC members as part of their orientation for the 2018-2019 funding cycle, and are also available online at the City's Human Services Funding webpage:

http://www.bainbridgewa.gov/600/City-Funded-Human-Services

ATTACHMENTS:

HSFAC Recommendation for 2019-20

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

City of Bainbridge Island

Recommendations for
2019-20 Human Services Funding
Human Service Fund Committee
November 27, 2018

2018 Human Services Fund Advisory Committee (HSFAC)
(Appointed by City Council on June 26, 2018)

Matthew Tirman	City Councilmember, Co-Chair
Leslie Schneider	City Councilmember, Co-Chair
Susan Buckles	Member
Asaph Glosser	Member
Reeve Fritchman	Member
Jack MacArthur	Member
Paul Stumme-Diers	Member
Stephen Walker	Member

Planning, RFP and Review Timeline 2018



Thursday, August 30 (10am) - Preapplication Application Session for Interested Applicants
Monday, September 17 (5pm) - HSF Committee Orientation
Friday, September 28 - Application Deadline (no later than 4pm)

Wednesday, October 3- Eighteen (18) Applications posted online; Reviews begin
Wednesday, October 10 (5pm) - HSF Review Meeting #1
Monday, October 15 (5pm) - Proposal Presentations
Monday, October 22 (5pm) - HSFAC Funding Recommendation

November 27 – City Council Study Session

December 11 - City Council Approval of 2019-20 HSF Award
December 12 - Notify Applicants, publicly through website

Resources integral to this process:

- 2019 to 2020 Funding Cycle Request for Proposals
  Early-August, the City issued a Request for Proposals (RFP) for a two-year award cycle.

- Community Needs Assessment

  In 2016, the City commissioned a community needs assessment to inform the City's funding for human services (PDF).

- Progress Reports

  The HSFAC were also encouraged to review the progress reports submitted by the applicants who were approved for funding in the 2017-18 cycle. Those year one progress annual progress reports found here. A synthesis of each report is also available (separate attachment).

Review Process

Committee members review proposals independently and come together as a committee to discuss the merits of the proposals, alignment with the HSF priorities and guidelines, and taking into consideration the 2016 Needs Assessment. The proposal is intended to give reviewers the relevant information to help them make an informed decision, reviewers will have the chance to ask additional questions of the agencies if they feel they need to before the final funding decisions are made. The applicants have the opportunity to deliver a ten-minute presentation to the committee (of which five minutes is reserved for questions).

The steps in this review process are intended to help committee members develop an efficient and effective review process that leads to a set of recommendations to the Council.

Recommended Funding

The Human Services Advisory Committee recommends the City Council approve the following awards for the two-year funding cycle, 2019-2020:

	Organization	Type	Requested Amount	Recommended Amount 2 year total	% of Request	Estimated annual allocation 2019*	2020*
1	BI Boys and Girls Club	Gen Op	$ 90,000	$ 70,000	78%	35,000	35,000
2	BI Child Care Centers	Gen Op	$ 60,000	$ 20,000	33%	10,000	10,000
3	BI Child Care Centers	Project	$ 20,000	$ -	0%	-	-
4	BI Senior Community Center	Gen Op	$ 130,000	$ 90,000	69%	45,000	45,000
5	BI Senior Community Center	Project	$ 10,500	$ 10,500	100%	-	10,500
6	BI Special Needs Foundation	Gen Op	$ 31,200	$ 30,000	96%	14,000	16,000
7	Bainbridge Youth Services	Gen Op	$ 170,000	$ 102,500	60%	51,250	51,250
8	Friends of the Farm/Bainbridge Prepares	Project	$ 108,893	$ -	0%	-	-
9	Helpline House	Project	$ 65,000	$ 51,000	78%	23,000	28,000
10	Housing Resources Bainbridge-Homeownership	Project	$ 53,300	$ 26,000	49%	12,000	14,000
11	Housing Resources Bainbridge- IL	Project	$ 162,325	$ 80,000	49%	36,000	44,000
12	Island Time Activities	Gen Op	$ 50,000	$ 20,000	40%	10,000	10,000
13	Island Volunteer Caregivers	Gen Op	$ 56,000	$ 50,000	89%	25,000	25,000
14	Kitsap Community Resources	Gen Op	$ 132,000	$ 45,000	34%	21,000	24,000
15	Peacock Family Services	Project	$ 30,000	$ 25,000	83%	12,500	12,500
16	Raising Resilience	Gen Op	$ 30,000	$ -	0%	-	-
17	The Tyler Moniz Project	Project	$ 100,000	$ -	0%	-	-
18	YWCA Kitsap	Project	$ 100,800	$ 40,000	40%	20,000	20,000
			$ 1,400,018	$ 660,000		314,750	345,250

In rank order, based on average reviewer scores.

Organization	Type	Requested Amount	Recommended Amount		Estimated annual allocation	
			2 year total	% of Request	2019*	2020*
Island Volunteer Caregivers	Gen Op	$ 56,000	$ 50,000	89%	25,000	25,000
Bainbridge Youth Services	Gen Op	$ 170,000	$ 102,500	60%	51,250	51,250
BI Senior Community Center	Gen Op	$ 130,000	$ 90,000	69%	45,000	45,000
Helpline House	Project	$ 65,000	$ 51,000	78%	23,000	28,000
BI Boys and Girls Club	Gen Op	$ 90,000	$ 70,000	78%	35,000	35,000
BI Senior Community Center	Project	$ 10,500	$ 10,500	100%	-	10,500
BI Special Needs Foundation	Gen Op	$ 31,200	$ 30,000	96%	14,000	16,000
Housing Resources Bainbridge-Homeownership	Project	$ 53,300	$ 26,000	49%	12,000	14,000
Peacock Family Services	Project	$ 30,000	$ 25,000	83%	12,500	12,500
Island Time Activities	Gen Op	$ 50,000	$ 20,000	40%	10,000	10,000
YWCA Kitsap	Project	$ 100,800	$ 40,000	40%	20,000	20,000
Kitsap Community Resources	Gen Op	$ 132,000	$ 45,000	34%	21,000	24,000
Housing Resources Bainbridge- IL	Project	$ 162,325	$ 80,000	49%	36,000	44,000
BI Child Care Centers	Gen Op	$ 60,000	$ 20,000	33%	10,000	10,000
Raising Resilience	Gen Op	$ 30,000	$ -	0%	-	-
The Tyler Moniz Project	Project	$ 100,000	$ -	0%	-	-
BI Child Care Centers	Project	$ 20,000	$ -	0%	-	-
Friends of the Farm/Bainbridge Prepares	Project	$ 108,893	$ -	0%	-	-
		$ 1,400,018	$ 660,000		314,750	345,250

**Estimated annual allocations for 2019 and 2020 were based on a close approximation to the applicant's requested amount for Year 1 and Year 2.*

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (7:10 PM) Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive,

STRATEGIC PRIORITY: Vibrant Economy

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to forward the Lodging Tax Advisory Committee's 2019 funding recommendation for approval with the December 11, 2018 Consent Agenda, and to authorize the City Manager to execute the associated funding agreements with recipient organizations.

SUMMARY:
In response to a request for proposals issued by the City in the Fall of 2018, the Lodging Tax Advisory Committee ("LTAC") has received and reviewed proposals for funding from the Lodging Tax (Civic Improvement Fund) for activities in 2019. The LTAC reviewed 11 proposals totaling $388,378 in funding requests. The LTAC recommendation totals $262,000.

FISCAL IMPACT:

Amount:	$262,000
Ongoing Cost:	
One-Time Cost:	$262,000
Included in Current Budget?	Yes

BACKGROUND: According to RCW 67.28.1816:

The local lodging tax advisory committee must select the candidates from amongst the applicants applying for use of revenues in this chapter and provide a list of such candidates and recommended amounts of funding to

the municipality for final determination. The municipality may choose only recipients from the list of candidates and recommended amounts provided by the local lodging tax advisory committee.

In response to a request for proposals issued by the City in the Fall of 2018, the Lodging Tax Advisory Committee ("LTAC") has received and reviewed proposals for funding from the Lodging Tax (Civic Improvement Fund) for activities in 2019. The LTAC reviewed 11 proposals totaling $388,378 in funding requests.

The LTAC recommendation totals $262,000. The recommended grants for each project range from 0 to 100% of the requested amount. Details of the LTAC's review and the suggested funding are included in the attached memo. The proposals are available for review on the City's website:

http://www.bainbridgewa.gov/236/Lodging-Tax-Advisory-Committee

Following City Council approval, City staff will develop agreements with each agency for which 2019 funding is provided.

ATTACHMENTS:

2019 LTAC Funding Recommendations

FISCAL DETAILS:

Fund Name(s): Other

Coding:

City of Bainbridge Island

Recommendations for
2019 Civic Improvement Fund Expenditures
Lodging Tax Advisory Committee
November 2018

2019 Lodging Tax Advisory Committee (LTAC)
(Appointed by City Council on June 26, 2018)

Matthew Tirman	(City Councilmember, Chair)
Rasham Nassar	(City Councilmember, Vice-Chair, Non-Voting)
Susie Burdick	(Eligible Recipient Organization Representative)
Dominique Cantwell	(Eligible Recipient Organization Representative)
Nancy Fortner	(Eligible Lodging Business Representative)
John Dinsmore*	(Eligible Lodging Business Representative) *Appointed on September 4, 2018 due to vacancy

Overview

The Lodging Tax Advisory Committee (LTAC) is established through Chapter 67.28 of the Revised Code of Washington (RCW) and is charged with reviewing and making recommendations to the City Council about the allocation of the Civic Improvement Fund (CIF). This special fund exists pursuant to City Code 3.65.040 through the collection of a tax on overnight lodging on the island.

In response to a Request for Proposals (RFP) issued by the City in September, the LTAC received 11 proposals for funding from the Civic Improvement Fund (CIF) for 2019 activities. The total amount requested was $388,378. A complete proposal for each project reviewed by the LTAC is available on the City's website: Lodging Tax Advisory Committee.

According to RCW 67.28.1816(2)(b)(ii):

> *The local lodging tax advisory committee must select the candidates from amongst the applicants applying for use of revenues in this chapter and provide a list of such candidates and recommended amounts of funding to the municipality for final determination. The municipality may choose only recipients from the list of candidates and recommended amounts provided by the local lodging tax advisory committee.*

In accordance with RCW 67.28.1816(2)(b)(ii), the Council "may choose only recipients" from those provided by the LTAC. However, based on guidance from the Washington State Attorney General's Office, if the Council desires to change the amount of a funding award as recommended by the LTAC, the Council can do so but only if it follows the procedure specified in RCW 67.28.1817(2), which requires further input from the LTAC. Under that procedure, the Council must submit its proposal for the different use of the lodging tax revenues to the LTAC for review and comment at least forty-five (45) days before the Council's final action on the proposal. So, for example, if the LTAC recommended that Applicant A receive $5,000 and Applicant B receive $2,000, the Council could propose different funding awards for those applicants, but the Council would need to give the LTAC 45 days to comment on that proposal before adopting it.

Eligibility

The State's requirements restrict the use of the fund to projects in the following categories:

- tourism marketing projects,
- marketing and operations of special events or festivals,
- the operation of tourism related facilities, or
- capital expenses for a tourism related facility.

The funding parameters for 2019 allow applicants to apply for grants between $2,000 minimum and $130,000 maximum. Additional eligibility requirements for 2019, as stated in the City's RFP, are as follows:

- Applicants seeking funding for capital expenditures for a tourism-related facility must be a municipality or a public facilities district created under Chapters 35.57 and 36.100 RCW.

- Applicants seeking funding for operating expenditures for a tourism-related facility must a municipality or a public facilities district, or be recognized by the Internal Revenue Service as a nonprofit under 26 U.S.C. Sec. 501(c)(3) or 26 U.S.C. Sec. 501(c)(6).

- Applicants, other than municipalities or a public facilities district, must be registered with the Washington Secretary of State as a Washington State Corporation.

- Individual persons are not eligible for funding.

- For-profit, private businesses are not eligible for funding.

- Proposals must comply with federal, state, and City of Bainbridge Island laws and requirements.

- Proposals are to be for goods and services provided during calendar year 2019. Funding requests for goods or services to be provided in 2018 or beyond calendar year 2019 will not be considered. Funding may be used for expenses incurred during January 1 – December 31, 2019.

- Proposals from organizations with a board or staff member serving on the Lodging Tax Advisory Committee are not eligible for funding and will not be considered.

- Proposals involving special events, signs, building or construction, impacts to public property, or other activities that require permits under City code or state or federal law must demonstrate that the applicant has researched the appropriate permit regulations, confirmed the viability of the proposed activities, and incorporated permit fees in the project budget.

Selection Criteria

The LTAC used the following criteria in evaluating project proposals. Other relevant factors, such as availability of funds, may also have been used to guide the decision process.

Lodging Fund Project Evaluation – Basic Criteria
A. Encourages tourism from visitors traveling more than 50 miles, and from visitors traveling from outside Washington state or outside the country.
B. Expected impact on increase in overnight stays in paid accommodations on the island.
C. Expected increase in tourism. Tourism means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.
D. Potential to draw visitors to the Island and increase overnight stays during the off-season, October 1 until Memorial Day.
E. The applicant's demonstrated history of organizational and project success, including but not limited to previous LTAC-funded projects.
F. The project reflects partnerships with other organizations and businesses, to encourage cooperative tourism marketing and minimize duplication of services.
G. The project goals and/or results can be objectively assessed.
H. The project will leverage award funds with additional matching funds or donated in-kind goods or services.

Recommended Funding

The committee recommended funding awards for 2019 are presented in the following tables.

Applicant	Project	Request Detail	Total Request	Recommended Funding
Arts & Humanities Bainbridge	Operations - Artsopolis Community Platform		$27,000	$15,000
	Platform Development	$15,000		
	Maintenance & Support	$12,000		
Bainbridge Arts & Crafts	Tourism Marketing Off-Island (Equal Quarterly Disbursements - $9,590)		$38,360	$15,000
Art Access - 6 issues, $200 per issue	$1,200			
WS Ferry Screens 12 months, $250 per month	$3,000			
The Stranger Arts & Performance Quarterly 4 issues, $380 for first issue + discounted pricing for subsequent 3 issues	$1,406			
The Stranger (monthly 1/4-page ad)	$5,292			
Seattle Magazine (12 1/3 page)	$28,032			
Monthly Art Walk Opening (Bulk Mailing (36% off-island)	$1,080			
In-house Project Management, Writing, Design	$3,450			
SUBTOTAL:	$43,460	$38,360		

Applicant	Project	Request Detail	Total Request	Recommended Funding
Bainbridge Island Chamber of Commerce	Advertising, Marketing & Visitor Info Center		$85,483	$63,000
	Visitors Bureau	$15,000		
	Tourism, Marketing and Promotion	$6,000		
	Celebrate Bainbridge	$5,000		
	Visit Seattle	$500		
	Tourism Alliance	$500		
	Website Development & Maintenance	$6,160		
	Grand Old Fourth	$16,500		
	Horseless Carriage Club of America	$2,500		
	Visitors Bureau Operations	$27,350		
	Tourism Related Facility Operations	$5,973		
BI Chamber of Commerce and Downtown Assoc.	Tourism Marketing - Wayfinding Signage Program		$2,500	$0
	Staff Time, Printing, Searches, Presentation Preparation	$2,500		
Bainbridge Island Downtown Assoc.			$72,885	$50,000
	Visitors Bureau	$21,000		
	Walkabout Guides	$14,464		
	Tourism Alliance	$500		
	Membership/Visit Seattle	$350		
	Membership/Conference/ Main Street	$2,500		
	Celebrate Bainbridge/July 3rd Street Dance	$15,671		
	Holiday Promotions	$18,400		

Applicant	Project	Request Detail	Total Request	Recommended Funding
Bainbridge Island History Museum	Operations "Free the Museum"		$21,000	$12,000
	Replacement of General Admission Fees	$21,000		
Bainbridge Island Lodging Assoc.	Marketing		$69,500	$60,000
	Administration & Overhead	$3,500		
	Destination Bainbridge Website	$8,000		
	Promote	$14,000		
	Island's Overnight Lodging	$3,000		
	Partnerships	$41,000		
Bainbridge Island Museum of Art	Marketing Special Events - Celebration of Artist's Books (% of Personnel/Non-Personnel Costs)		$20,000	$10,000
Staffing	$7,850	$20,000		
Marketing	$8,500			
Exhibition Setup	$30,450			
Workshop Supplies	$1,200			
Teaching Artist Contractor Fees	$2,000			
Momentum Festival	$5,000			
SUBTOTAL:	$55,000			
Bainbridge Island Winery Alliance	Tourism Marketing / Tourism Marketing (Special Events)		$23,650	$15,000
	Facebook Advertising (3 events @ $300 each)	$1,200		
	Total Event Printing Costs	$4,800		
	Taste Washington	$1,450		
	Kitsap Wine Festival	$200		
	Bainbridge Island Wine Trail Program	$1,000		
	Marketing Consultant	$15,000		

Applicant	Project	Request Detail	Total Request	Recommended Funding
North Kitsap Tourism Coalition	Marketing/Video Production		$10,000	$10,000
	Creative Design	$3,150		
	Marketing Content Editor	$2,000		
	Facebook Advertising	$500		
	Spirits and Spirits	$1,000		
	Brochures	$250		
	2 Videos Featuring Bainbridge Island	$3,100		
Visit Kitsap Peninsula	Tourism Marketing - % of Direct Tourism Marketing		$18,000	$12,000
	Social Media/Travel Writing/Blogs/PR	$2,250		
	Paid Media Advertising	$8,250		
	Design/Production/Photography	$2,400		
	KP Visitor Guide & Recreation Map	$1,300		
	KP Specialty Guide Cards	$600		
	KP National Water Trails Guide	$750		
	Public Relations Trade Shows	$250		
	Local/Regional Trade Shows	$150		
	KP National Water Trails Alliance Program	$600		
	Website Management/Mobile App Program	$900		
	Equipment	$350		
	Visitor Info Request	$200		
	TOTAL - ALL PROPOSALS:	$388,378	$388,378	$262,000

Total Funding Requested

The current estimate for available Civic Improvement funds at year-end 2018 is $271,950. Approval of $262,000 in awards would leave roughly $9,950 balance in the fund. Remaining 2019 funds are combined with 2019 revenue to support activities in 2020. Please see the table below for additional detail on current revenue estimates.

ESTIMATED CIVIC IMPROVEMENT FUND (LTAC) BALANCE:
As of October 23, 2018

	Estimate as of Q2	Estimate as of Q4
Balance as of Jan 1, 2018	$294,950	$294,950
2018 Project Awards	($273,00)	($273,000)
Estimated 2018 Revenue	$ 240,000	$ 250,000
Estimated Balance as of 12/31/18:	$261,950	$271,950
2019 Funding Awards	($260,000)	($262,000)
Estimated Remaining Funds as of 12/31/19:	$ 1,950	$9,950

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (7:25 PM) Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Ordinance No. 2018-30.

SUMMARY:
If adopted, Ordinance No. 2018-30 would amend the City's voluntary affordable housing program, Chapter 18.21 BIMC, to provide for an optional fee-in-lieu for certain lots with affordable housing restrictions, which would allow such lots to be sold at market price in exchange for a financial contribution to the City's Housing Trust Fund in an amount of at least 60% of the fair market value of the property, as determined by a certified appraiser.

FISCAL IMPACT:

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

BACKGROUND: Chapter 18.21 BIMC provides for an optional program for the construction of affordable housing in new single-family and multifamily residential developments, under which bonus density is granted in exchange for the development of affordable dwelling units or affordable residential building lots. Chapter 18.21 BIMC was previously codified as Chapter 18.90 BIMC.

At least one developer has taken advantage of the optional program to obtain bonus density in exchange for creating affordable residential building lots as part of its development. However, several affordable residential building lots created pursuant to the optional program have remained unsold for want of an income-qualified buyer.

On August 14, 2018, the City Council discussed proposed Ordinance No. 2018-30, which would amend the optional program to provide for a fee-in-lieu in which certain affordable residential building lots may be sold at market price if the owner makes a financial contribution to the City's Housing Trust Fund. As proposed, Ordinance No. 2018-30 would require a financial contribution to the City's Housing Trust Fund in an amount of at least 60% of the fair market value of the property, as determined by a certified appraiser. The City Council then referred Ordinance No. 2018-30 to the Planning Commission for its review, a public hearing, and its recommendation, in accordance with Chapter 2.16 BIMC.

On September 13, 2018, the Planning Commission first discussed Ordinance No. 2018-30. On October 25, 2018, the Planning Commission held a public hearing and then voted to recommend that the City Council approve Ordinance 2018-30. See the attached memorandum for additional information.

Chapter 3.38 BIMC provides for the City of Bainbridge Island Housing Trust Fund ("Housing Trust Fund"), which may accept funds or revenues to support the development and preservation of affordable housing on Bainbridge Island. The City Council may direct specific funding or revenues to the Housing Trust Fund. In addition, one goal of the Housing Element of the City's Comprehensive Plan is for the City to increase support for the Housing Trust Fund and explore new sources of funding for the development and preservation of affordable housing.

Note: staff is currently studying, per prior City Council direction, the adoption of an inclusionary zoning program. Such a program could contain mandatory or voluntary affordable housing requirements that could amend or replace the voluntary program currently contained in Chapter 18.21 BIMC.

ATTACHMENTS:

Memo Re: Ordinance No. 2018-30

Ordinance No. 2018-30,Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions

2018 Bremerton-Silverdale MSA HUD Median Income Limit

Housing Resources Bainbridge Comments

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: November 13 , 2018

To: City Council

From: Jennifer Sutton, AICP
Senior City Planner

Subject: Ordinance 2018-30 Establishing a Fee-in-lieu Option for Certain Lots with Affordable Housing Restrictions

BACKGROUND

BIMC Chapter 18.21 *Affordable Housing* provides for an optional program for the construction of affordable housing in new single-family and multifamily residential developments, under which bonus density is granted in exchange for the development of affordable dwelling units or affordable residential building lots.

At least one developer has taken advantage of the optional program to obtain bonus density in exchange for creating affordable residential building lots as part of its development. However, several affordable residential building lots created pursuant to the optional program have remained unsold due to a lack of finding an income-qualified buyer. For context, in 2017 the City consulted with Housing Resources Bainbridge ("HRB") to estimate that an unimproved residential building lot would need to be sold for approximately $89,000 to be affordable to a moderate income four-person household. The City has heard from HRB and the development community that obtaining a construction loan is more difficult than obtaining a mortgage for a home that is already built.

One potential solution would be for the City to amend the optional program to provide for a fee-in-lieu in which affordable residential building lots may be sold at market price if the owner makes a financial contribution to the City's Housing Trust Fund. BIMC Chapter 3.38 provides for the City of Bainbridge Island Housing Trust Fund, which may accept funds or revenues to support the development and preservation of affordable housing on Bainbridge Island. The City Council may direct specific funding or revenues to the City of Bainbridge Island Housing Trust Fund. In addition, a goal of the Housing Element of the City's Comprehensive Plan is for the City to increase support for the Housing Trust Fund and explore new sources of funding for the development and preservation of affordable housing.

If approved, Ordinance No. 2018-30 would provide for a fee-in-lieu in which affordable residential building lots created under the city's voluntary affordable housing program prior to June 1, 2008, may be sold at market price if the owner makes a financial contribution to the City's Housing Trust Fund. The calculation of the financial contribution is described in the ordinance, new BIMC Section 18.21.040.

The City Council discussed this topic at the August 14, 2018, Council meeting, and after their discussion, referred Ordinance No. 2018-30 to the Planning Commission for its review, a public hearing, and its recommendation.

Adopting an inclusionary zoning program and support for the City's *Housing Trust Fund* are both recommendations from the Affordable Housing Task Force, described in its final report, which can be viewed on the City's website.

PLANNING COMMISSION REVIEW OF ORDINANCE 2018-30

The Planning Commission discussed the ordinance at a study session on September 13, 2018, and on that night, the Commission expressed full support for the ordinance. The Planning Commission held a public hearing on the ordinance on October 25, 2018. After closing the public hearing, the Commission voted to recommend approval of the ordinance to the City Council.

The Commission discussed that the new code section related to the fee-in-lieu provisions in Ordinance 2018-30 should have a sunset date, although the sunset date was not part of the formal recommendation. Staff informed the Commission about how BIMC Chapter 18.21 may be updated in its entirety in the first quarter of 2019. Per prior City Council direction, staff is studying the adoption of an inclusionary zoning program. Such a program could contain mandatory and/or voluntary affordable housing requirements that could amend or replace the voluntary program currently contained in BIMC Chapter 18.21.

ORDINANCE NO. 2018-30

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City's voluntary affordable housing program; adding a new section to Chapter 18.21 BIMC to provide for an optional fee-in-lieu for certain lots with affordable housing restrictions; addressing the development of certain unimproved lots; and granting interpretative authority.

WHEREAS, former Chapter 18.90 BIMC contained an optional program for the construction of affordable housing in new single-family and multifamily residential developments; and

WHEREAS, on November 9, 2011, the City Council adopted Ordinance No. 2011-02, repealing Chapter 18.90 BIMC and replacing it with a Chapter 18.21 BIMC that provides for substantially the same optional program for the construction of affordable housing in new single-family and multifamily residential developments; and

WHEREAS, at least one developer has taken advantage of the optional program to obtain bonus density in exchange for creating affordable residential building lots as part of its development; and

WHEREAS, several affordable residential building lots created pursuant to the optional program have remained unsold for lack of finding an income-qualified buyer; and

WHEREAS, Chapter 3.38 BIMC provides for the City of Bainbridge Island Housing Trust Fund, which may accept funds or revenues to support the development and preservation of affordable housing on Bainbridge Island; and

WHEREAS, the City Council may direct specific funding or revenues to the City of Bainbridge Island Housing Trust Fund; and

WHEREAS, a goal of the Housing Element of the City's Comprehensive Plan is for the City to increase support for the Housing Trust Fund and explore new sources of funding for the development and preservation of affordable housing; and

WHEREAS, on September 13, 2018, the Planning Commission discussed Ordinance No. 2018-30, and set a public hearing on Ordinance No. 2018-30 for September 27, 2018; and

WHEREAS, on September 27, 2018, the Planning Commission lacked a quorum and was unable to hold the public hearing on Ordinance No. 2018-30; and

WHEREAS, on October 25, 2018, the Planning Commission conducted a public hearing on Ordinance No. 2018-30 and, after closing the public hearing, recommended approval to the City Council; and

WHEREAS, on November 13, 2018, the City Council discussed Ordinance No. 2018-30 and set a public hearing on Ordinance No. 2018-30 for November 27, 2018; and

WHEREAS, on November 27, 2018, the City Council conducted a public hearing on Ordinance No. 2018-30; and

WHEREAS, notice was given on October 26, 2018, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106.

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

Section 1. Section 18.21.020.F of the Bainbridge Island Municipal Code is amended to read as follows:

> Unimproved Lots to Be Sold. ~~In subdivisions~~ ~~w~~Where the applicant intends to sell the individual unimproved lots created as a result of the provisions of this chapter, it is the responsibility of the applicant to arrange for the affordable units to be built.

Section 2. A new section is added to chapter 18.21 of the Bainbridge Island Municipal Code to read as follows:

> **18.21.040 Optional Fee-In-Lieu.**
>
> A. The owner of an affordable residential building lot constructed or created as a result of the provisions of this chapter, as now or previously codified, as part of a land use application approved on or before June 1, 2008, may make a financial contribution, as described in this section, to the city's housing trust fund instead of complying with the requirements of BIMC 18.21.020, as now or previously codified, to obtain or maintain the bonus density allowed under this chapter, as now or previously codified.
>
> B. The amount of such financial contribution to the city's housing trust fund shall be set by the City Manager, subject to the following restrictions:
>
> 1. The amount must be at least 60% of the fair market value of the affordable residential building lot at the time of sale. A certified appraiser shall determine the affordable residential building lot's fair market value. The appraisal will assume that sale of the lot will not be restricted to only income-qualified individuals. The owner will pay for the appraisal by a certified appraiser acceptable to the city.
>
> 2. The amount must be deposited into the city's housing trust fund within 14 days of the closing of the sale of the affordable residential building lot.

3. In circumstances where development of the the affordable residential building lot is restricted by conditions on the face of a plat or short plat, the owner must initiate and pay for a plat amendment to remove or modify such conditions. Approval of such a plat amendment must be obtained before the lot may be sold to an individual who is not income-qualified, and such approval will be conditioned upon a financial contribution to the city's housing trust fund under this section.

4. Prior to initiating a plat amendment, the owner must demonstrate that they attempted, in good faith, to locate an income-qualified buyer interested in purchasing the affordable residential building lot and were unsuccessful.

Section 3. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

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

PASSED BY THE CITY COUNCIL this ___ day of _____, 2018.

APPROVED BY THE MAYOR this ___ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	November 9, 2018
PASSED BY THE CITY COUNCIL:	2018
PUBLISHED:	2018
EFFECTIVE DATE:	2018
ORDINANCE NUMBER:	2018-30

CITY OF BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND
2018 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE
BREMERTON-SILVERDALE MSA (HUD)

Maximum Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
Extremely Low Income: ≤ 30% of Median Household Income	$17,400	$19,850	$22,350	$24,800	$26,800	$30,800	$32,750	$32,750
Very Low Income: 31% - 50% of Median Household Income	$28,950	$33,050	$37,200	$41,300	$44,650	$47,950	$51,250	$54,550
Low Income: 51% - 80% of Median Household Income	$46,300	$52,900	$59,500	$66,100	$71,400	$76,700	$82,000	$87,300
Moderate Income: 81% - 95% of Median Household Income	$54,929	$62,776	$70,623	$78,470	$84,748	$91,025	$97,303	$103,580
Middle Income: 96%% - 120% of Median Household Income	$69,384	$79,296	$89,208	$99,120	$107,050	$114,979	$122,909	$130,838
100% of Median Household Income	$57,820	$66,080	$74,340	$82,600	$89,208	$95,816	$102,424	$109,032

Jennifer Sutton

From: Gary Christensen
Sent: Tuesday, August 14, 2018 9:51 AM
To: Jennifer Sutton
Subject: FW: Ordinance No. 2018-30

fyi

Gary R. Christensen, AICP
Director, Planning and Community Development

From: Council
Sent: Monday, August 13, 2018 4:24 PM
To: Doug Schulze <dschulze@bainbridgewa.gov>; Morgan Smith <msmith@bainbridgewa.gov>; Gary Christensen <gchristensen@bainbridgewa.gov>
Subject: FW: Ordinance No. 2018-30

From: Phedra Elliott <phedra@housingresourcesbi.org>
Sent: Monday, August 13, 2018 3:36 PM
To: Council <council@bainbridgewa.gov>
Subject: Ordinance No. 2018-30

Dear Council –
HRB is pleased to hear that council will be considering Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable
Housing Restrictions. In the past, I have spoken with a developer who is impacted by this situation regarding lots in the Southern Cross development.
In this situation, these lots were originally intended to be sold to low/moderate income buyers as part of the voluntary affordable housing program. The housing and construction market have changed dramatically since the time these lots were restricted and it is now very difficult to impossible for a low/moderate income family to build an affordable home in this location on this land.
HRB supports council adopting the fee in lieu with regard to the voluntary affordable housing program that would provide funds to be deposited into COBI's Affordable Housing Trust fund to benefit an affordable housing project in the broader community. The current situation is at a stalemate and is benefitting no one.

HRB, along with members of the Affordable Housing Task Force, is looking forward to the completion of the consultant study of inclusionary zoning and council's consideration of that for future projects on Bainbridge Island. We view inclusionary zoning as one of many long term solutions to address affordability on Bainbridge Island.

Thank you.

Phedra Elliott
Executive Director

Housing Resources Bainbridge (HRB)
730 Erickson Ave NE Suite 100
PO Box 11391
Bainbridge Island, WA 98110

206-842-1909, ext 16 office 206-842-1120 fax
www.housingresourcesbi.org

*My regular work schedule is Monday – Thursday, 9am-5pm. HRB office is closed on Fridays.

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CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:40 PM) Consideration of Ordinance No. 2018-40 Relating to the Levy of Property Taxes for Collection in 2019.

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Ordinance No. 2018-40, Relating to the Levy of Property Taxes for Collection in 2019.

SUMMARY:
The City held a public hearing on November 13, 2018, after which consideration of approval of Ordinance No. 2018-40 was scheduled for November 27.

FISCAL IMPACT:

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

BACKGROUND: Part of the process for approving the 2019 Budget includes setting the Property Tax Levy for collection in 2019.

The budget proposes an increase in the dollar amount being collected (plus charges on new construction) in the amount allowed by Initiative 747 as calculated by the Kitsap County Assessor. The dollar increase for the property tax is $46,327, the amount due to new construction is $96,953, and the tax refund amount is $6,000. These amounts are added to the previous year's levy to bring the total levy to $7,652,301 on a total assessed valuation of $8.381 billion. The assessed valuation has increased 11% over last year's total of $7.542 billion. Additional detail is provided on the attached sheet, which is provided by Kitsap County to explain the calculations.

In addition, Ordinance No. 2018-40 will levy $610,400 to pay the 2019 debt service cost of the Open Space General Bond Obligation Bonds. The levy is equal to the amount of the debt service.

ATTACHMENTS:

Ordinance No. 2018-40 Relating to the Levy of Property Taxes for Collection in 2019

City of Bainbridge Island Levy Limit Calculation 11 13 18 TY-2019.docx

FISCAL DETAILS:

Fund Name(s): General Fund

Coding:

ORDINANCE NO. 2018-40

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the levy of property taxes for the City of Bainbridge Island for the fiscal year commencing January 1, 2019, on all real and personal property within the City that is subject to taxation; levying both general property taxes for the purpose of providing sufficient revenue to carry on the usual activities of the City as required by law, and special levy taxes as authorized by the voters in the November 6, 2001, election.

WHEREAS, the City Council of Bainbridge Island has considered the financial requirements of the City for 2019 as set forth in the City Manager's 2019 Budget Modifications, and the amounts necessary and available to be raised by ad valorem taxes on real, personal, and utility property which are included therein; and

WHEREAS, the population of the City is greater than 10,000; and

WHEREAS, the City Council properly provided notice of and conducted the public hearing held on November 13, 2018, to consider the City's revenue sources for the City's 2019 General Fund budget; and

WHEREAS, the previous year's actual levy was $7,500,402; and

WHEREAS, the City Council, after hearing and duly considering all relevant information and testimony presented, has determined that the City requires an increase in property tax revenue from the previous year equal to 0.61768 percent of the amount levied for collection in 2019 as authorized by chapter 84.55 RCW (see, e.g., RCW 84.55.005, RCW 84.55.010), in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the City and in its best interest; and

WHEREAS, at an election held on November 6, 2001, the voters of the City approved and authorized the City to issue general obligation bonds to finance the costs of acquiring and preserving forested areas, open space, wildlife habitat, and farms and agricultural lands and creating new trails and passive parks, and to levy excess property taxes to repay such bonds (referred to as the "2002 Unlimited Tax General Obligation Bonds" and the "Unlimited General Obligation Bonds, 2004"); and

WHEREAS, the debt service on such bonds for the year 2019 will be $610,400.

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

Section 1. The 2018 regular property tax levy for collection in 2019 is declared to be the previous year's levy of $7,500,402 plus an increase of $46,327, which is an increase of 0.61768 percent, plus an increase equal to the amount allowed under the new construction provisions of

RCW 84.55.010 ($96,953) and any increase in the value of state-assessed property, any additional amounts resulting from any refunds made ($5,853), and an amount resulting from the increase in utilities ($2,766). The total is $7,652,301.

Section 2. In addition to the City's regular property tax levy described in Section 1 above, there is levied for collection in 2019, upon all property, both real and personal within the City and within the area subject to taxation, a voter-approved special levy property tax to pay the debt service on the City's 2004 Unlimited Tax General Obligation Bonds which were refunded in 2013. The special levy to pay the 2019 debt service on the refunded debt service amount is $610,400.

Section 3. This ordinance shall be certified to the proper Kitsap County officials, as provided by law. The taxes levied in this ordinance shall be collected and paid to the Director of Finance and Administrative Services of the City of Bainbridge Island at the time and in the manner provided by the laws of the State of Washington for the collection of taxes for non-charter code cities.

Section 4. This ordinance shall take effect on January 1, 2019, after its passage, approval and publication as required by law.

PASSED by the City Council this ___ day of November, 2018.

APPROVED by the Mayor this ___ day of November, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK	October __, 2018
PASSED BY THE CITY COUNCIL	November __, 2018
PUBLISHED:	November __, 2018
EFFECTIVE DATE:	January 1, 2019
ORDINANCE NO:	2018-40

2019 TAX YEAR LEVY LIMIT CALCULATION

CITY OF BAINBRIDGE ISLAND District # 8730

Previous Year's Levy Including Any Refunds & Canceled Taxes Levied = 7,500,402

The district's resolution or ordinance must authorize any increase in terms of both the dollars and percentage over the previous year's levy. This increase is exclusive of new construction, increases in state assessed property (utilities), any annexations and refunds requested.

Highest Allowed Levy Since 1986 = 7,472,009

Differences between this amount and the previous year's levy are refunds and canceled taxes levied last year which are not included in this amount and/or any banked capacity your district may have.

1% Increase to Highest Allowed Levy = 7,546,729

This is the maximum allowed but may change to match what is authorized by resolution or is lawfully allowed for your district. It is exclusive of the items listed under the previous year's levy. The dollar and percent increase over the previous year's actual levy to collect this amount is $46,327 and 0.617680%.

Amount due to New Construction = 96,953

New construction assessed value 97,493,183 X .994464 (the prior year's levy rate) = 96,953

Amount due to Increase in Utilities = 2,766

This amount will be zero until the values are received from the Department of Revenue. Since this amount may be unknown when you have your budget hearings, you may want to add an amount in your budget or levy certification in order to collect any unknown amount due to an increase in utilities.

AV of Annexed Property = 0 Amount due to Annexations = 0

The amount due for annexations is set when assessed values are final in January. Districts with annexations may want to add an amount in the budget or levy certification for any increases allowed.

Current Total Assessed Value = 8,413,831,683

This amount may fluctuate until values are final in January.

Tax Refunds & Canceled Taxes less Supplements = 5,853

Please include a dollar amount for refunds and canceled taxes in your budget and or levy certification to show the district's intent to collect these amounts.

Projected Levy Rate = .908795 Maximum Levy Rate = 2.4

Maximum levy rates for cities are estimated until final levy rates for Fire and Library Districts are known.

ESTIMATED TOTAL LEVY LIMIT AMOUNT = 7,652,301

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (7:50 PM) Amendments to the Shoreline Master Program (SMP) Relating to Integration of Critical Areas Regulations and Nonconforming Structures, Uses, and Lots - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
Provide policy direction and input on specific language to staff on proposed revisions.

SUMMARY:
Discussion on SMP amendment related to the integration of critical areas regulations into the SMP as well as related to nonconforming provisions.

FISCAL IMPACT:

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

BACKGROUND: This topic was before the City Council at meetings on September 11, 2018 (public hearing), and again on October 2 and 16, 2018 (Study Sessions).

New information for this meeting, per the City Council's request, includes the Planning Commission's rationale for their recommendation and a staff memo providing staff input on that rationale and a summary of how other jurisdictions regulate nonconforming structures.

Included with this item is the staff memorandum (September 11, 2018) that was provided as part of the Council's September 11 and October 2 consideration of this topic, the PowerPoint presentation that was included at the October 2 Study Session, the staff memorandum that was provided at the October 16 Study Session, a new staff memorandum (November 27, 2018) providing additional information as requested by

Council, the Planning Commission's rationale for their recommendation, and a summary table of Planning Commission recommendations on how to address SMP "nonconforming structures" relating to "intentional demolition" and "unintentional destruction." Included in the summary table are existing SMP regulations and staff comments.

ATTACHMENTS:

20181016 Nonconforming Structures Summary Table

Draft SMP Amendment - Critical Areas & Nonconforming - Public Hearing Draft - All track changes

October 2, 2018 Presentation - Critical Areas and Nonconforming Structures, Uses, and Lots

Existing SMP Nonconforming Chapter

October 8, 2018 Staff Memo - SMP Amendment

FINAL PC RATIONALE FOR SMP NONCONFORMING AMENDMENTS

November 27, 2018 Staff Memo - Nonconforming Structures

September 11, 2018 Staff Memo

FISCAL DETAILS:

Fund Name(s):

Coding:

Structure	Intentional Demolition	Unintentional Destruction	Staff Comments
Primary residence			
Existing SMP	Unclear; currently implemented to allow demolition of up to 50% of existing square footage per zoning code Reconstruction must meet current standards, increase in nonconformity not allowed	May be reconstructed to the bulk dimension existing immediately prior to the catastrophic event May be altered or expanded upon reconstruction, increase in nonconformity not allowed	Expansion allowed: • Once in lifetime of development • Up to 25% of existing footprint (different, specific limits for Point Monroe and encumbered lots) • Landward of the existing building footprint • Any vertical expansion must meet height requirements • **Unclear how 1/3 encroachment into Zone 2 buffer applies to existing development
PC recommendation	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure view setback line; expansion allowed with no maximum encroachment into buffer** with no net loss demonstrated via mitigation manual or site-specific impact analysis Includes Point Monroe **Most structures nonconforming due to location within shoreline buffer. Expansion of structure would not be allowed to create or increase other nonconformities (e.g. shoreline side yard setback, structure view setback, height).	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure view setback; expansion allowed with no maximum encroachment into buffer with no net loss demonstrated via mitigation manual or site-specific impact analysis	• Expansion provisions represents change in policy from existing SMP. • With no maximum area of expansion, removes maximum allowed building area for Point Monroe (1400 sf) and encumbered lots (2500 sf); creates internal conflict that would need to be resolved • More permissive than nonconforming structure regulations applicable outside of shoreline (BIMC 18.30, zoning) which allow for replacement whether a building is harmed or destroyed, but only up to 50% of its original square footage – over 50% must meet current standards • No "cap" or maximum expansion area more challenging to implement using only no net loss standard; existing percentage of existing footprint not equitable across wide range of existing house sizes (25% of 1000 sf vs. 25% of 10000 sf)

Structure	Intentional Demolition	Unintentional Destruction	Staff Comments
			• Not consistent with existing SMP goal to have residential structures "conform as completely as possible to SMP over time as owner proposes changes"
Accessory residential			
Existing SMP	Reconstruction must comply with existing standards; currently implemented to allow demolition of up to 50% of existing square footage	Reconstruction must comply with existing standards; currently implemented to allow demolition of up to 50% of existing square footage	• Clear that accessory structures damaged, destroyed or intentionally demolished must be reconstructed in conformance with all standards of the SMP • Can be more restrictive than nonconforming structure regulations applicable outside of shoreline (BIMC 18.30, zoning) – allows for replacement of structures other than a building in substantially the same location • "Up to 50% rule" (as currently implemented) challenging to implement for decks, patios, stairs but can result in positive outcomes (i.e., smaller structures or better location)
PC recommendation	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure view setback line	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure view setback line	• Represents change in policy from existing SMP
Essential accessory residential			
Existing SMP	May be rebuilt; replacement structure must be same bulk dimension	May be rebuilt; replacement structure must be same bulk dimension	Essential accessory residential structures include: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.
PC recommendation	Deleted term		• Represents change in policy from existing SMP. • Intent of term likely to allow replacement of "primary appurtenances" – those things that are necessary to the use of a primary residence vs.

Structure	Intentional Demolition	Unintentional Destruction	Staff Comments
			other accessory structures that are not necessary
Overwater structures (docks, piers, floats, buoys)			
Existing SMP	May be rebuilt in same footprint; reconfiguration requires shoreline conditional use permit (CUP) and requires more consistency with current regulations	May be rebuilt in same footprint; reconfiguration requires shoreline conditional use permit	• "Replacement" of docks, piers, floats, and buoys considered "repair" -- Replacement of a structure or development may be considered a repair if: replacement is the common method of repair for the type of structure or development – basically, it often makes sense to replace the whole structure because it is falling apart or beyond its life expectancy • CUP can discourage better outcomes (e.g., smaller footprint) due to time and expense
PC recommendation	May be rebuilt in same footprint; may be reconfigured if resulting structure is in greater compliance with current regulations	Same	• Only change is in review/permit mechanism – requires shoreline permit, just not CUP
Other overwater structures			
Existing SMP	• Repair and replacement up to 50% of the footprint allowed only once within any five year period • Must comply with requirements for materials and standards to the extent practicable • If the structure is composed of several components, then the 50% shall be calculated independently for each component	Same	• Up to 50% provision too challenging to implement, particularly if calculating for each component • Five year delay doesn't minimize impacts
PC recommendation	May not be rebuilt unless replacement considered normal repair; then may be rebuilt to same footprint and height	May be rebuilt to same footprint and height	• These "other" overwater structures – covered moorage, overwater residences – are prohibited uses

Structure	Intentional Demolition	Unintentional Destruction	Staff Comments
			• General thinking was that these types of structures should not be located in/over water, and that repair/maintenance would perpetuate their ongoing existing but could result in better outcomes (e.g., replacing creosote piles with steel piles)
Multifamily			
Existing SMP	May be reconstructed, altered, or expanded, including the footprint and/or the height increased in conformance with present regulations if public access provided	May be reconstructed to the bulk dimension existing immediately prior to the catastrophic event	
PC recommendation	May be rebuilt only in conformance with present regulations	May be rebuilt to same footprint and height	• No change – language clarification only
Water-dependent Commercial			
Existing SMP	Water-dependent commercial uses not specifically addressed		• Water-dependent commercial uses are a preferred use of the shoreline per SMA (like single-family residential use)
PC recommendation	May be rebuilt to same footprint and height	May be rebuilt to same footprint and height	• Reflects preferred use status of water-dependent uses
Other Commercial and Industrial			
Existing SMP	May be rebuilt only in conformance with present regulations	May be reconstructed to the bulk dimension existing immediately prior to the catastrophic event	
PC recommendation	May be rebuilt only in conformance with present regulations	May be rebuilt only in conformance with present regulations	• Represents change in policy from existing SMP. • Better reflects existing SMP policy to phase out nonconforming commercial structures over time • Could be conforming commercial use in a nonconforming structure
ADU			
Existing SMP	Not specifically addressed		• ADUs require shoreline conditional use permit (CUP)

Structure	Intentional Demolition	Unintentional Destruction	Staff Comments
PC recommendation	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure setback; expansion allowed up to ADU maximum	May be rebuilt in same footprint with additional height added if conforms to height limit and shoreline structure view setback; expansion allowed up to ADU maximum	• Expansion of conditional uses requires shoreline CUP, allows analysis of cumulative impacts

READER'S GUIDE

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

THE MAJORITY OF CHANGES ARE LOCATED IN:

- **SECTION 4.1.5, CRITICAL AREAS – PAGES 108-167**
- **SECTION 4.2.1, NONCONFORMING USES, NONCONFORMING STRUCTURES, AND NONCONFORMING LOTS – PAGES 178-192**
- **SECTION 8.0, DEFINITIONS – PAGES 290-337**

OTHER MINOR CHANGES ARE LOCATED THROUGHOUT THE DOCUMENT TO CREATE CONSISTENCY WITH THE CHANGES MADE IN THE ABOVE SECTIONS (SECTION TITLES, INTERNAL REFERENCES, ETC.)

OTHER SPECIFIC CHANGES RELATED TO APPLICABILITY AND CONFLICT ARE LOCATED ON PAGE 18 AND 38.

City of Bainbridge Island Shoreline Master Program

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

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Table of Contents

1.0 Introduction 8

1.1 Shoreline Master Program Introduction 8

1.1.1 Purpose and Intent 8

1.2 Requirements of the Shoreline Management Act 8

1.2.1 Shoreline Management Act Administration 9

1.2.2 Scope of Shoreline Management Act 10

1.2.3 Development of the City's Shoreline Master Program 12

1.2.4 Public Involvement 12

1.3 Bainbridge Island's Shoreline Master Program (SMP) 14

1.3.1 Bainbridge Island's Shorelines 14

1.3.2 Title 16

1.3.3 Adoption Authority 17

1.3.4 Relationship to Other Plans and Regulations 17

1.3.5 Applicability of Bainbridge Island Shoreline Master Program 17

1.3.6 Program provisions 19

1.3.7 Bainbridge Island Shoreline Master Program Administrative Procedures 19

1.4 Restoration Planning 20

1.5 Master Goal 20

2.0 Shoreline Inventory and Characterization 22

2.1 Summary 22

3.0 Shoreline Designation Policies and Regulations 23

3.1 General 22

3.2 Upland Designations 23

3.2.1 Urban 23

3.2.2 Shoreline Residential 24

3.2.3 Shoreline Residential Conservancy 25

3.2.4 Island Conservancy 27

3.2.5 Natural 28

3.3 Aquatic Designations 30

3.3.1 Aquatic 31

3.3.2 Priority Aquatic 33

3.4 Island Conservancy, Shoreline Residential and Shoreline Residential Conservancy Designation Strategy 35

4.0 General (Island-wide) Policies and Regulations 38

4.0.1 Regulations - General 38

Table 4-1 Shoreline Use and Modification Table 39

Table 4-2 Dimensional Standards Table 48

Table 4-3 Shoreline Buffer Standards Table 65

4.1 Environmental Quality and Conservation 71

4.1.1 Shorelines of State-wide Significance 71

4.1.2 Environmental Impacts 72

4.1.3 Vegetation Management 79

4.1.4 Land Modification 107

4.1.5 Critical Areas 108

4.1.6 Water Quality and Stormwater Management 167

4.1.7 Flood Hazard Management 171

4.1.8 Shoreline Restoration and Enhancement 174

4.2 General Use 178

4.2.1 Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots ~~Non-Conforming Lots, and Existing Development~~ ..... **Error! Bookmark not defined.**

4.2.2 Cultural Resources 178

4.2.3 Parking 196

4.2.4 Public Access – Visual and Physical 200

4.2.5 Signs 206

4.2.6 Transportation Facilities 207

4.2.7 Utilities (Primary and Accessory) 210

5.0 SPECIFIC SHORELINE USE AND DEVELOPMENT POLICIES AND REGULATIONS 217

5.1 Agriculture 217

5.1.1 Applicability 217

5.1.2 Policies 217

5.1.3 Regulation - General 217

5.2 Aquaculture 218

5.2.1 Applicability 218

5.2.2 Policies 218
5.2.3 Regulations - Prohibited 219
5.2.4 Regulations - General 219
5.2.5 Regulations – Design Standards 220
5.2.6 Regulations – Operational Standards 221
5.2.7 Commercial Geoduck Requirements 222
5.3 Boating Facilities 222
5.3.1 Applicability 222
5.3.2 Goal 223
5.3.3 Policies 223
5.3.4 Regulations - Prohibited 225
5.3.5 Regulations - General 225
5.3.6 Regulations - Location 226
5.3.7 Regulations – Design/Renovation/Expansion 227
5.3.8 Regulations - Utilities 228
5.3.9 Regulations – Management and Operations 228
5.3.10 Regulations – Boat Launches (includes marine railways) 230
5.4 Commercial Development 231
5.4.1 Applicability 231
5.4.2 Policies 232
5.4.3 Prohibited 232
5.4.4 Regulations- General 232
5.4.5 Regulations – Design and Location 234
5.5 Forest Practices 235
5.5.1 Applicability 235
5.5.2 Policies 235
5.5.3 Regulations - General 235
5.6 Industrial Development 169
5.6.1 Applicability 236
5.6.2 Policies 237
5.6.3 Regulations – Prohibited 237
5.6.4 Regulations - General 238
5.6.5 Regulations - Design and Location 239

5.6.6 Regulations – Ship and Boat Building and Repair Yards 240
5.7 Mining 240
5.7.1 Applicability 240
5.7.2 Policies 240
5.7.3 Regulations - General 240
5.8 Recreational Development 240
5.8.1 Applicability 240
5.8.2 Goal 241
5.8.3 Policies 241
5.8.4 Regulations – Prohibited 242
5.8.5 Regulations - General 242
5.8.6 Regulations – Design and Location 244
5.8.7 Regulations – Operations 245
5.8.8 Regulations – Golf Courses – Design & Location 246
5.9 Residential Development 246
5.9.1 Applicability 246
5.9.2 Goal 246
5.9.3 Policies 247
5.9.4 Regulations - Prohibited 248
5.9.5 Regulations - General 248
5.9.6 Regulations – Primary Residential Design and Location 250
5.9.7 Regulations – Accessory Design and Location 251
5.9.8 Regulations – Residential Subdivisions (Single-Family and Multifamily, including ADU) 251
5.9.9 Regulations – Residential Development Overwater 253
6.0 SHORELINE MODIFICATION POLICIES AND REGULATIONS 254
6.1 General Shoreline Modification Provisions 254
6.1.1 Applicability 254
6.1.2 Goal 254
6.1.3 Policies 254
6.1.4 Regulations – Prohibited Uses 255
6.1.5 Regulations - General 255
6.2 Shoreline Stabilization 256
6.2.1 Principles 256

6.2.2 Applicability 257
6.2.3 Policies 258
6.2.4 Regulations – Prohibited 260
6.2.5 Regulations - General 260
6.2.6 Regulations – Location and Design of Shoreline Stabilization 261
6.2.7 Regulations --Repair of Existing Shoreline Stabilization 194
6.2.8 Regulations – New or Replacement Shoreline Stabilization 263
6.2.9 Regulations – Subdivisions 265
6.2.10 Submittal Requirements for Shoreline Stabilization Project Applications 266
6.3 Overwater Structures 267
6.3.1 Applicability 267
6.3.2 Goal 268
6.3.3 Policies 268
6.3.4 Regulations - Prohibited 201
6.3.5 Regulations - General 270
6.3.6 Regulations – Location, Design and Construction Standards – Pier, Dock, Float 271
6.3.7 Regulations – Specific 271
6.4 Dredging and Dredge Material Disposal 279
6.4.1 Applicability 279
6.4.2 Goal 280
6.4.3 Policies 280
6.4.4 Regulations – Prohibited 280
6.4.5 Regulations - General 281
6.4.6 Regulations – Specific Dredging 282
6.4.7 Regulations – Dredge Material Disposal 282
6.5 Fill 283
6.5.1 Applicability 283
6.5.2 Policies 283
6.5.3 Prohibited 284
6.5.4 Regulations - General 284
6.5.5 Regulations – Location, Design and Construction 284
7.0 VIOLATIONS, ENFORCEMENT, AND PENALTIES 286
7.1 General 286

7.2 Regulations 286
7.2.1 Site Investigations 286
7.2.2 Violations -- General 286
7.2.3 Violations -- Specific 286
7.2.4 Stop Work Order 287
7.2.5 After the Fact Permit Fee 287
7.2.6 Violation Mitigation/Restoration Plan 287
7.2.7 Civil Infraction 287
7.2.8 Misdemeanor 288
7.2.9 Civil Penalty 288
7.2.10 General Penalties 288
7.2.11 Additional Remedies *288*
7.2.12 Conflicts *289*
7.2.13 Financial Surety Procedure *289*
8.0 DEFINITIONS 290
Appendix A Shoreline Designation Map **..... 338**
Appendix B Reserved ~~Critical Areas Regulations~~ 339
Appendix C Buffer Recommendation Memorandums **..... 389**
Marine Shoreline Buffers and Riparian Areas 393
Scientific Importance of Marine Shoreline Buffers and Riparian Areas 394
Marine Shoreline Buffers *394*
Riparian Areas *395*
Marine Shoreline Buffer and Riparian Protection Zone Recommendations 397
Agreed Principles 400
Buffer Assumptions and Recommendations 402
References 405
Attachment A to Herrera Memo
16.20.130 Fish and wildlife habitat conservation areas: *408*
SMP Table 4-2. Use-related Development Standards Matrix from Chapter 16.12 BIMC. *408*
Scientific Recommendations for Marine Riparian Buffers *410*
Scientific Basis for 30-foot Riparian Protection Zone *412*
References *413*

Appendix D Single-Family Residence Mitigation Manual **.....341**

Appendix E Special Area Maps **.....378**

Port Madison Harbor Structure Line 379
Eagle Harbor Harbor Structure Line 380
Point Monroe District Shoreline Stabilization Areas 381

1.0 Introduction

1.1 Shoreline Master Program Introduction

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

1.1.1 Purpose and Intent

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

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

1.2 Requirements of the Shoreline Management Act

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

single-family development, that are dependent upon a waterfront location or that offer the opportunities for the public to enjoy the state's shoreline. With this clear mandate, the Shoreline Management Act establishes a planning and regulatory program, initiated at the local level under state guidelines.

1.2.1 Shoreline Management Act Administration

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

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

5. Development of an inventory of natural characteristics and land use patterns along those designated water bodies. Local governments are required to prepare a detailed shoreline inventory that provides the foundation for development of a system that classifies the shoreline into distinct shoreline "environments" These environments, or designations, provide the framework for implementing shoreline policies and regulatory measures.

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

1.2.2 Scope of Shoreline Management Act

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

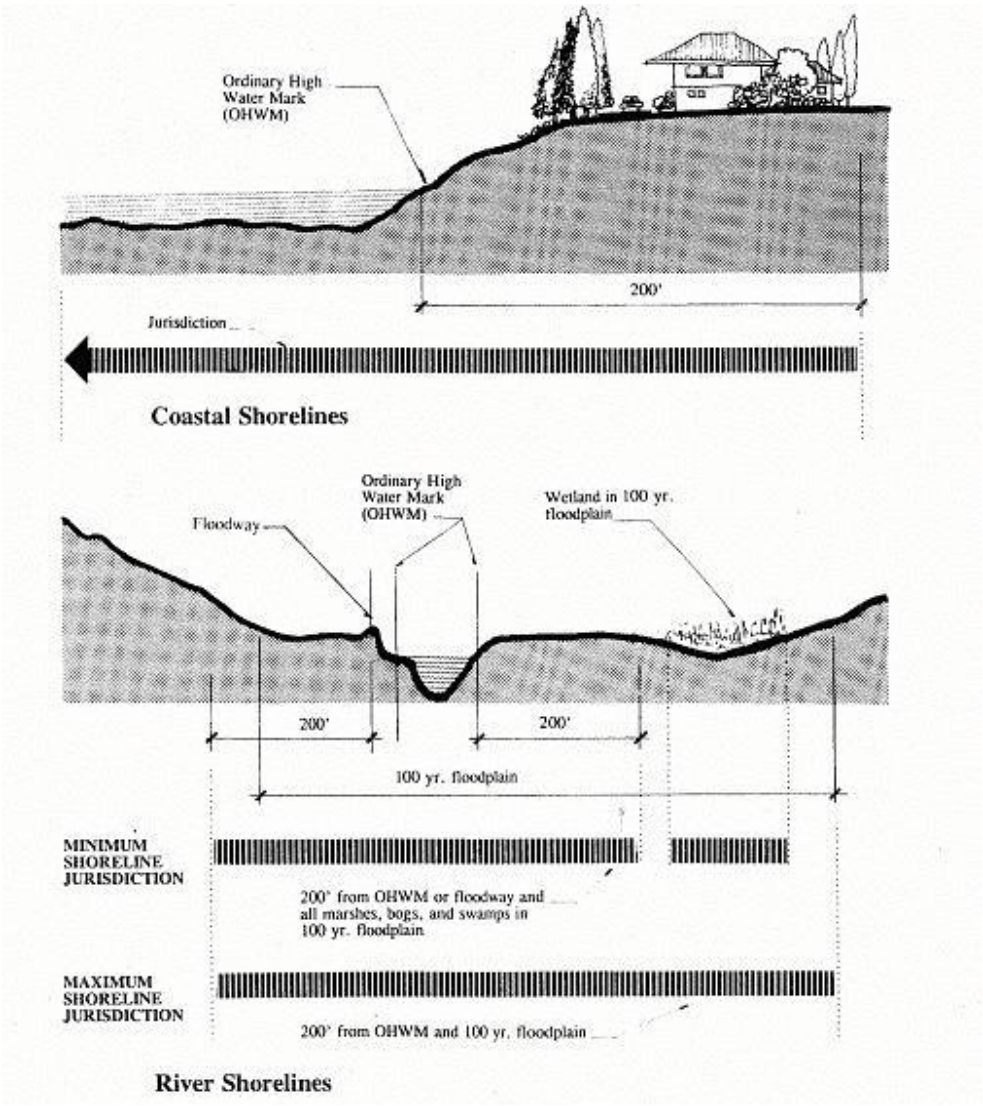


Figure 1-1 Shoreline Jurisdiction

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

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

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

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

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

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

1.2.3 Development of the City's Shoreline Master Program

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

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

1.2.4 Public Involvement

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

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

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

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

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

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

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

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

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

Citizen Committees

The City solicited citizen volunteers and formed topic-based workgroups to assist in drafting revisions to SMP policies and regulations that reflected the requirements of the State SMP Guidelines and community values. Four community organizations (Bainbridge Shoreline Property Owners, Bainbridge Concerned Citizens, Association for Bainbridge Communities, and

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

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

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

1.3 Bainbridge Island's Shoreline Master Program (SMP)

1.3.1 Bainbridge Island's Shorelines

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

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

Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle. Approximately 23,000 people currently live on Bainbridge Island. The population increased from 15,846 in 1990 to 23,090 in 2012. Until 2008 with the national economic decline, the Island grew at a fairly steady rate of approximately 300 people each year. This increased growth, reflected in higher waterfront land values and taxes, along with a growing concern for the environment, motivated citizen participation in the update of the SMP. The program must strike a balance between imposing regulatory powers for the benefit of the community at large and the rights of the individual property holder. Fortunately, the Act and the public trust doctrine provide the guidance to create a program which recognizes both of these values.

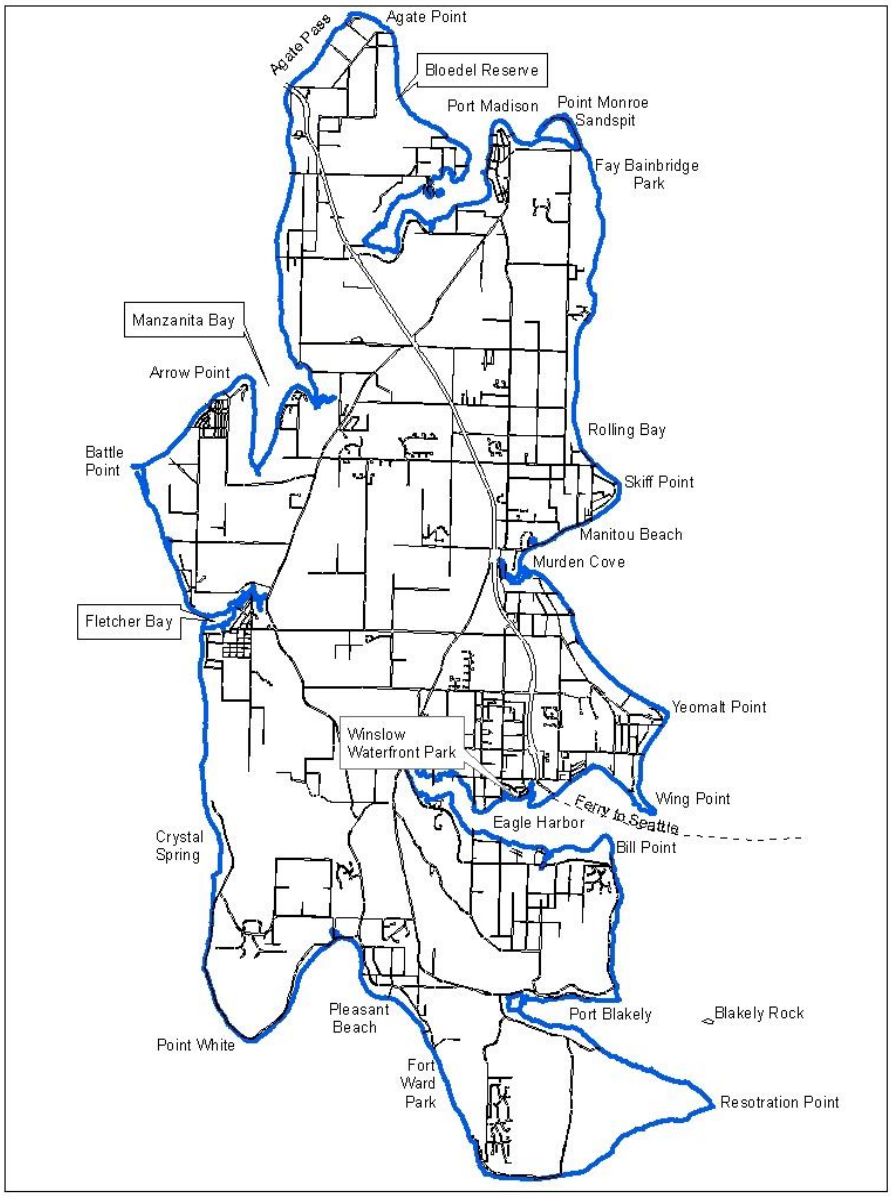


Figure 1-2 Map of Bainbridge Island

1.3.2 Title

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

1.3.3 Adoption Authority

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

1.3.4 Relationship to Other Plans and Regulations

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

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

1.3.5 Applicability of Bainbridge Island Shoreline Master Program

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

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

a. Development, uses, lots, and activities lawfully occurring, established or constructed prior to the effective date of the initial adoption of the this Program (November 26, 1996), or amendments thereto, are not required to meet this Program's requirements, unless **new development or** changes to a development, use, lot or structure that would require review under this Program are proposed.

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

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

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

3. Any person wishing to undertake activities constituting "development" within shoreline jurisdiction shall apply to the Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Administrator shall determine if a Letter of Exemption, a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program unless a Substantial Development Permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the Act or by court order. "Substantial development" shall be defined as it is by the Act (RCW 90.58.030) and supplementing provisions of the Washington Administrative Code (WAC 173-27-040).
4. Developments exempt from a Substantial Development Permit, which are outlined in BIMC Section 2.16.165, shall require a Letter of Exemption. A project that qualifies as "exempt development" may also require a Shoreline Conditional Use Permit, and/or a Shoreline Variance.

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

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

1.3.6 Program provisions

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

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

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

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

1.3.7 Bainbridge Island Shoreline Master Program Administrative Procedures

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

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

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

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

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

1.4 Restoration Planning

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

The Restoration Plan provides the following information for shoreline improvements:

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

1.5 Master Goal

The City's shorelines are among the most valuable and fragile of our natural resources and their use, protection, restoration, and preservation is of public interest to all residents of the City. The Island shorelines provide for a significant part of our way of life as a place of residence, recreational enjoyment, and occupation. It is the intent of this program to manage the shorelines of Bainbridge Island consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, giving preference to

water-dependent and water-related uses, and to encourage all reasonable and appropriate development and other activities to occur in a manner which will promote and enhance the public interest and protect environmental resources. An over-arching goal of this master program is to ensure that future use and development of the City's shoreline maintain a balance between competing uses, results in no net loss of shoreline ecological functions, and achieves a net ecosystem improvement over time.

2.0 Shoreline Inventory and Characterization

2.1 Summary

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

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

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

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

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

3.0 Shoreline Designation Policies and Regulations

3.1 General

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

Shoreline Designation Map

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

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

Designation Boundaries

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

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

Where existing physical or cultural features are at variance with those shown on the Shoreline Designation Map and cannot be determined with certainty by applying subsections 1 through 4 above, the Department shall determine the location or existence of such feature utilizing any appropriate criteria contained in the Master Program.

3.2 Upland Designations

3.2.1 Urban

3.2.1.1 Purpose

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

3.2.1.2 Designation Criteria

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

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

3.2.1.3 Management Policies

1. Priority should be given to the following uses in order of preference: water-dependent, water-related, and water-enjoyment uses. Uses which derive minimal benefit from a water location should be discouraged or prohibited. Nonwater-oriented uses should be allowed only if the use is otherwise compatible with the purpose of the Urban designation and the setting, does not displace water-dependent uses, and results in no net loss of ecological functions and ecosystem-wide processes.
2. New development applications should demonstrate they will not result in a net loss of shoreline ecological functions and ecosystem-wide processes.
3. Environmental remediation and restoration priorities should be established for the shoreline that comply with relevant state and federal law.

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

3.2.2 Shoreline Residential

3.2.2.1 Purpose

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

3.2.2.2 Designation Criteria

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

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

3.2.2.3 Management Policies

1. Development and new uses should assure no net loss of shoreline ecological function by compliance with:
    a. Minimum frontage width, setbacks, and buffers;
    b. Lot coverage limitations;
    c. Shoreline stabilization standards; and
    d. Protective measures for vegetation conservation, critical areas and water quality.
2. New development should be permitted only in those shoreline areas that are capable of supporting the proposed use in a manner which protects or enhances the shoreline environment, and reflects the character of the surrounding area such as providing open space and maintaining shoreline vegetation buffers.
3. Public access to shorelines should be required for multi-family residences, apartments, and subdivisions. Common access for single-family residential short subdivisions should be encouraged and should be required where feasible.
4. Recreational developments should provide shoreline areas for community or public open space and public access to shorelines.
5. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.
6. Developments within the Shoreline Residential designation should be compatible with uses and activities in adjacent designations, including Aquatic and Priority Aquatic.
7. Restoration of shoreline ecological functions and ecosystem-wide processes should be encouraged through non regulatory programs.

3.2.3 Shoreline Residential Conservancy

3.2.3.1 Purpose

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

3.2.3.2 Designation Criteria

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

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

3.2.3.3 Management Policies

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

d. Lot coverage limitations;

e. Shoreline modification standards; and

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

3. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to navigable waters, water-dependent uses should be given highest priority.

4. Public access, common access and public recreation objectives should be implemented as required whenever feasible and significant ecological impacts can be mitigated.

5. High intensity development should be prohibited and commercial uses should be limited to those that are water-oriented, consistent with zoning regulations.

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

3.2.4 Island Conservancy

3.2.4.1 Purpose

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

3.2.4.2 Designation Criteria

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

1. Areas that are in public ownership such as open space or parks or in private ownership which are voluntarily designated and one of the following:

   a. Areas that are appropriate and planned for recreational or cultural development that is compatible with maintaining or restoring ecological functions and processes; or

   b. Areas that are suitable for water-oriented recreational or cultural uses, but not generally suitable for intensive uses due to the potential impacts these uses may have on the existing shoreline characteristics.

   c. Areas of high scenic or recreational value such as shoreline parks including urban parks, active use parks, passive use parks, and those privately held recreation areas that voluntarily agree to the designation.

2. Areas with extensive or unique historic or cultural resources.
3. Areas where intensive development or use would interfere with natural processes and result in significant damage to other resources.

3.2.4.2 Management Policies

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

3.2.5 Natural

3.2.5.1 Purpose

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

3.2.5.2 Designation Criteria

Areas to be designated Natural shall meet the following criteria:

1. Areas that perform irreplaceable shoreline ecological functions or ecosystem-wide process that would be damaged by human activity, including areas that contain largely undisturbed or restored shoreline features or unique natural features, such as wetlands, estuaries, unstable bluffs, coastal dunes, sand spits, and ecologically intact shoreline habitats, and one or more of the following:
    a. Wildlife Habitats.
        i. A shoreline area that provides food, water, or cover and protection for any rare, endangered, or diminishing species, or for significant populations of flora or fauna during critical stages of their life cycle.
        ii. A seasonal area for concentration of native animals, fish, or fowl such as a migration route, breeding site, rearing ground, or spawning site.
    b. Areas of Scientific and Educational Value.
        i. Areas considered to best represent basic ecosystems and geologic types that are of particular scientific and educational interest.
        ii. Areas which best represent undisturbed natural areas.
        iii. Areas with established histories of scientific research.
    c. Areas of Scenic and Recreational Value
        i. Those areas having an outstanding or unique scenic feature in their natural state.
        ii. Areas having a high value for wilderness experience.
        iii. Areas which in their natural state have a high value for low intensity recreational use.
    d. Areas with Restoration Potential.
        i. Areas which have been degraded, but which have a high potential of being successfully restored to a natural or near natural condition, or are capable of natural regeneration if left undisturbed.

3.2.5.3 Management Policies

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

    a. Residential uses.

    b. Agriculture uses.

    c. Commercial uses.

    d. Industrial uses.

    e. Nonwater-oriented recreation.

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

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

3. Physical alterations, including new development or "significant removal of vegetation", should only be considered when: a) they serve to protect a significant, unique, or highly valued feature which might otherwise be degraded or destroyed; and b) when alterations would not result in a net loss of shoreline ecological functions and ecosystem-wide processes; and c) alterations would not further degrade other shoreline values; and d) vegetation removal would not reduce the capability of vegetation to perform normal ecological functions and processes.

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

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

3.3 Aquatic Designations

3.3.1 Aquatic

3.3.1.1 Purpose

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

dependent uses. It is intended to promote sustainable use of the natural features and resources of Aquatic areas.

3.3.1.2 Designation Criteria

Aquatic areas include:

1. All marine areas waterward of the OHWM which have not been designated Priority Aquatic.

2. All wetlands associated to the above which have not been designated priority aquatic.

3.3.1.3 Management Policies

1. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the restoration objectives, and then only when the impacts are mitigated to assure no net loss of ecological functions and ecosystem-wide processes. Compatibility between upland and aquatic uses should be confirmed.
2. New over-water structures are allowed only for water-dependent uses, public access or ecological restoration and such structures must be limited to the minimum size necessary to support the structure's intended use while protecting and conserving aquatic resources.
3. Diverse public access opportunities should be encouraged and developed and should be compatible with the existing shoreline and aquatic uses.
4. Aquaculture practices, should be limited to those activities that can demonstrate that significant impacts to ecological functions, ecosystem-wide processes, and adjacent land uses will not occur. Aquaculture should be encouraged in those tidelands, waters and beds most suitable for such use.
5. Multiple use of over-water facilities or tidelands is preferred over a single industry use. In appropriate areas, fishing and water recreation should be protected from competing uses.
6. All developments and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize interference with navigation.
7. Development and uses on navigable waters, tidelands or bedlands should be located to avoid and designed to minimize impacts to public views.
8. Development and uses on navigable waters, tidelands or bedlands should be designed and located for the safe, unobstructed passage of fish and wildlife, including species whose life cycles are dependent on migration that would be impacted by in-water development.

9. Uses that accommodate deep draft vessels and/or require placement of fill, if allowed, should not occur in areas requiring extensive initial or maintenance dredging or if significant adverse environmental impacts cannot be mitigated.
10. Development of underwater pipelines and cables on tidelands should be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives. When permitted, such facilities should include adequate provisions to ensure against substantial or irrevocable damage to the environment and no net loss of ecological functions and ecosystem-wide processes.
11. Abandoned and/or neglected structures which cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a useable condition consistent with the provisions of this Program.
12. Restoration or enhancement of aquatic resources and adjacent uplands is encouraged.

3.3.2 Priority Aquatic

3.3.2.1 Purpose

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

3.3.2.2 Designation Criteria

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

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

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

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

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

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

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

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

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

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

3.3.2.5 Type 3: Marine Vegetation

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

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

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

The City shall keep a record and review data annually to determine whether sites are appropriate for nomination under Type 3. If areas are determined to be appropriate for designation, an amendment to this program is required to designate Priority Aquatic and shall be processed as an amendment as specified in the Shoreline Master Program Administration, BIMC Section 2.16.200.

3.3.2.6 Type 4 Other areas

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

3.3.2.7 Priority Aquatic Category A Management Policies

1. The City should develop a program that identifies critical saltwater habitat appropriate for greater protection under the provisions of the Priority Aquatic designation. The program should include a process to review citizen petitions for Priority Aquatic designation.

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

3.3.2.8 Priority Aquatic Category B Management Policies

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

5. Protection and enhancement of shoreline buffers should be established in all adjacent upland designation to protect the ecological functions, ecosystem-wide processes and characteristics of the Priority Aquatic designation areas. (See 4.1.5 Critical Areas)
6. Restoration or enhancement of aquatic resources and adjacent uplands is encouraged.

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

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

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

4.0 General (Island-wide) Policies and Regulations

Introduction

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

4.0.1 Regulations - General

1. All new shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to all applicable goals, policies, shoreline designations (including the shoreline designation map), and regulations and use tables provided in this Master Program.
2. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of the Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or approved shoreline use are prohibited.
3. Shoreline uses, modification activities, and conditions listed as "prohibited" in Table 4-1 shall not be eligible for consideration as a Shoreline Variance or Shoreline Conditional Use Permit.
4. Uses, modification activities, and conditions that are not "prohibited" and not listed in Table 4-1 shall be reviewed through the Shoreline Conditional Use process.
5. The policies listed in the Master Program shall provide broad guidance and direction and shall be used by the Director in interpreting the "regulations."
6. BIMC Title 18 Zoning or its successor also apply to shoreline parcels.
7. Where provisions of this Master Program or other provision in BIMC conflict, **liberal construction pursuant to RCW 90.58.900 shall apply to give full effect to the objectives and purposes of the Act.** ~~the more restrictive provisions shall apply unless specifically stated otherwise.~~
8. The use table (Table 4-1), shoreline setback table (Table 4-2), and the shoreline buffer table (Table 4-3) provide regulatory use and dimensional provisions for each shoreline designation.
9. An increase in the dimensional height standard (Table 4-2) for essential public facilities shall be reviewed through a Shoreline Conditional Use. Submittal requirements are in Section 4.1.2.9(2).
10. Submittal requirements for all shoreline development permits or shoreline exemptions are in BIMC Title 2 and the Administrative Manual.

EXPLANATION OF TABLE ABBREVIATIONS

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

Table 4-1. Shoreline Use and Modification Table

Table 4-1 Shoreline Use and Modification Table

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

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

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Water-Related or Enjoyment	X	X	X[22]	C	P	X	X	X	
Educational and Community Facilities									
Educational Facility	X	C	C	C	P	X	X	X	
Governmental Facility	X	X	C	C	P	X	X	X	
Religious Facility	X	C	C	C	P	X	X	X	
Cultural and Entertainment Facilities									
Club	X	C	C	C	P	X	X	X	
Commercial Amusement	X	X	C	C	P	X	X	X	
Cultural Facility	X	C	C	C	P	X	X	X	
Entertainment Facility	X	X	C	C	P	X	X	X	
Industrial									
Mining	X	X	X	X	X	X	X	X	
Nonwater-Oriented	X	X	X	X	X	X	X	X	
Solid Waste Disposal	X	X	X	X	X	X	X	X	
Water-Dependent	X	X	X	X	P	#	X	X	
Water-Related	X	X	X	X	C	#	X	X	
Water Enjoyment	X	X	X	X	X	X	X	X	
Overwater Structures									

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Boatlift	X	X	P	P	P	#	X	#	
Marine Railway	X	X	P	P	P	#	X	X	
Marine Railway, Retractable [12]	X	P	P	P	P	#	X	#	
Mooring Buoys	X	P	P	P	P	#	X	X	
Piers and Docks	X	C[16]	P	P	P	#	X	P	
Recreational Floats	X	X	X	P	P	#	X	X	
Recreational Development									
Golf Courses	X	C	X	C	C	X	X	X	
Nonwater-Oriented	X	X	X	C	C	X	X	X	
Recreation, Active	X	C[16]	C[19]	C	P	#	X	X	
Recreation, Passive	P	P	P	P	P	#	P[14]	P[14]	
Event: Recreation, Culture, Education									
Water-Oriented	X	P	P	P	P	#	X	X	
Residential									
Accessory Dwelling Unit	X	C	C[19]	C	C	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Subdivision	C	P	P	P	P	#	#	#	
Multi-family [22]	X	X	X	P	P	X	X	X	
Single-family	X	C	P	P	P	X	X	X	
Shoreline/Aquatic Modification [5] [7]									
Beach Nourishment (Mitigation)	C	P	P	P	P	#	#	#	
Beach Enhancement (non-restoration) [6]	C[12]	C[12]	C[12]	C[12]	C[12]	#	#	#	
Breakwaters	X	X	X	X	X	X	X	X	
Dredging	X	X	X	X	X	C	X	C	
Drift Sill	X	X	X	X	X	P	P	P	
Landfill	C	C	C	C	C	#	X	X	
Fill	X	C	X	X	C	#	X	X	
Repair of Shoreline Stabilization	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization, Hard [4]									
New Bulkheads	X	X	P[19]	P	P	#	X	X	
Replacement Bulkheads	X	X	P[19]	P	P	#	#	#	
Gabions	X	X	X	X	X	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Weirs, Groins (rock or concrete)	X	X	X	X	X	X	X	X	
Jetties	X	X	X	X	X	X	X	X	
Levees/Dikes	X	X	X	X	X	X	X	X	
Retaining Walls and Bluff Walls	X	C	C	C	C	X	X	X	
Revetments	X	X	X[2]	X[2]	X[2]	#	X	X	
Seawalls	X	X	X	X	X	X	X	X	
Hybrid	X	P	P	P	P	#	#	#	
New or Replacement Shoreline Stabilization Non-Structural and Soft									
Non-Structural Stabilization, Soft-treatment	X	P	P	P	P	#	#	#	
Transportation									
Existing Road repair	X	P	P	P	P	X	X	X	
New Arterials	X	X	X	X	X	X	X	X	
New Highways	X	X	X	X	X	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
New Secondary Arterials	X	X	X	X	X	X	X	X	
Float Plane Facilities and Services	X	X	X	X	C	#	X	X	
Heliports	X	X	X	X	X	X	X	X	
Additional Bridge to Bainbridge Island	X	X	X	X	X	X	X	X	
Parking (primary)	X	X	X	X	X	X	X	X	
Public Access Facilities									
Public Ferry Terminal Facilities and Services	X	X	X	X	P	#	X	X	
Over-water Public Ferry Terminal Facilities and Services	X	X	X	X	C[10]	#	X	X	
Railroads	X	X	X	X	X	X	X	X	
Trails	P	P	P	P	P	#	#	#	
Utilities & Telecommunication									
Utilities (primary)	X	X	C[11]	C[11]	C[11]	#	X	X	
Signs									
Primary	X	X	X	X	X	P	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Accessory Structures									
All Uses									
Potable Water Wells	X	A	A	A	A	X	X	X	
Signs	X[20]	X[20]	P	P	P	P	X[20]	X[20]	
Tram	X	A	A	A	A	#	X	X	
Underground Utilities	X	A[21]	A[21]	A[21]	A[21]	#	X	X	
Residential									
Upland appurtenant Structures	X	CA	A	A	A	#	X	X	
Commercial									
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	CA	A	#	X	X	
Upland appurtenant structures that support a water related or water enjoyment use [13]	X	X	X	CA	A	X	X	X	
Upland appurtenant structures that support a non-water oriented use [13]	X	X[8]	X	X	C[17]	X	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Industrial									
Upland appurtenant structures that support a water-dependent use [13]	X	X	X	X	A	#	X	X	
Upland appurtenant structures that support a water related [13]	X	X	X	X	CA	#	X	X	
Upland appurtenant structures that support a water enjoyment use [13]	X	X	X	X	X	X	X	X	
Upland appurtenant structures that support a non-water oriented use [13]	X	X	X	X	X	X	X	X	
Public Park/Recreational Development									
Public pathways to the shoreline	A	A	A	A	A	#	#	#	
Public Stairway	A	A	A	A	A	#	#	#	
Access Roads	X	A	A	A	A	X	X	X	
Upland appurtenant structures that support a water-oriented Active recreational use	X	A	CA	CA	A	#	X	X	

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	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Upland appurtenant structures that support a water oriented passive recreational use	A	A	A	A	A	#	A[14]	A[14]	
Upland appurtenant structures that support a non-water oriented use	X	X	X	X	X	X	X	X	

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Accessory Structures	X	X	X	50’	30’				
Water-dependent	X	X	X	0’	0’				
Dry Moorage	X	X	100’	100’	100’				
Height Limit									
Dry moorage	X	X	20’	20’	30’				
Buildings	X	X	20’	20’	30’				
Non-water Oriented									
Setbacks									
	X	X	X	200’[2]	200’[2]				
Height Limit									
	X	X	X	30’	30’				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Water-Dependent									
Setback									
	X	X	X	0’	0’				
Height Limit									
	X	X	X	30’	30’				
Water-Related and Enjoyment									
Setback									
	X	X	X	50’[1]	30’				
Height Limit									
	X	50’[1]	X	30’	30’				
Educational and Community Facilities									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Industrial									
Water-Dependent									
Setbacks									
	X	X	X	X	0''				
Height Limit									
Upland	X	X	X	X	30'				
Water-Related									
Setbacks									
	X	X	X	X	100'				
Height Limit									
Upland	X	X	X	X	30'				
Overwater Structures									
Marine Railway									
Setbacks									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Kayak/Hiking and Related Camp Site	X	50'[1]	50'[1]	50'[1]	30'[1]				
Accessory Use									
Setbacks									
Access Roads	X	75'[1][3]	75'[1][3]	75'[1]	50'[1][3]				
Parking	X	100'[1]	100'[1]	100'	50'				
Events, Recreation; Education; Culture									
Setbacks									
Water-Dependent	X	0'	0'	0'	0'				
Water-related/Enjoyment	X	50'[1]	50'[1]	50'[1]	30'				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Residential									
Flex lot Subdivision									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING AND SUBDIVISION REQUIREMENTS									
Height Limit									
Upland	X	30’	30’	30’	30’				
Multi-family									
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS AND BIMC Title 18									
Height Limit									
Upland	X	X	30’	30’	30’				
Single-family									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Setbacks									
SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SETBACK AND ZONING REQUIREMENTS									
Height Limit									
Upland	X	30’	30’	30’	30’				
Shoreline/Aquatic Modification [5] [7]									
Utilities & Telecommunication									
Utilities (primary)									
Primary Structure	X	200'	200'	200'	200'				
Accessory Use	X	100'	100'	100’	100'				
Telecommunication Accessory Use	X	100'	100'	100’	100'				
Height									
Distribution Poles	X	X	30’[1][5]	30’[1][5]	30’[1][5]				
Buildings, storage Tanks, Accessory Uses	X	X	30’[1][4]	30’[1][4]	30’[1][4]				

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

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

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
	SUBJECT TO 30% SIDE YARD SETBACK, SHORELINE SPECIFIC USE SETBACK AND ZONING REQUIREMENTS					SAME AS SPECIFIC USE SETBACK	X	#	
Height									
Boat house, shed, well house, etc.	X	12’	12’	12’	12’	SHORELINE SPECIFIC USE SETBACK	X	X	
Commercial/Industrial									
Primary appurtenant structures that either support public access or are necessary to support a water-dependent use [13]									
Setbacks									
	SAME AS SPECIFIC USE						X	#	
Public Park									

Table 4-2 Dimensional Standards Table

Greyed out setback boxes or letter X indicate prohibited uses

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Primary appurtenant structures that either support public access or are necessary to support a water-dependent recreational									
Setbacks									
	15’	75’	75’	75’	50’				
Event, Recreation; Culture; Education									
Setbacks									
	N/A	75’[1]	75’[1]		75’[1]				
Parking	N/A	100’[1][3]	100’[1[3]]		100’[3]				

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

Table 4-3 Shoreline Buffer Standards Table

Additional Use restrictions for BIMC Titles 17 and 18 may apply

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

4.1 Environmental Quality and Conservation

4.1.1 Shorelines of State-wide Significance

4.1.1.1 Purpose

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

4.1.1.2 Applicability

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

4.1.1.3 Policies (In order of preference)

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

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

4.1.2 Environmental Impacts

4.1.2.1 Applicability

All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the shoreline environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or

compensate for the environmental impact) shall follow that listed in WAC 173-26-201(2)(e). See definition of "Mitigation" listed in this Master Program, in Section 8.0, Definitions.

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

4.1.2.2 Goal

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

4.1.2.3 Policies

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

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

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

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

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

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

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

4.1.2.4 Regulations-Impact Analysis and No Net Loss Standard

1. All shoreline development, use and activities, including preferred uses, and uses that are exempt from a shoreline substantial permit, shall be located, designed, constructed, and maintained in a manner that protects ecological functions and ecosystem-wide processes. All proposed shoreline development, uses and activities shall:

    a. Utilize the required mitigation sequence of Section 4.1.2.6, Regulations – Mitigation; and

    b. Utilize effective erosion and scour control methods during project construction and operation; and

    c. Minimize adverse impacts to critical salt water habitat, fish and wildlife conservation areas, and/or other ecological functions and ecosystem-wide processes, such as those provided by shoreline vegetation; and

    d. Minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel transport movement, erosion, and accretion; and

    e. Avoid hazards to public health and safety; and

    f. Minimize the need for shoreline stabilization measures and flood protection in the future; and may require a geotechnical analysis to ensure that the proposed activity meets this regulation (See Section 6.2, Shoreline Stabilization); and

    g. Result in no net loss of ecological functions and processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time.

2. In reviewing and approving shoreline development, use or activity, regardless of whether a permit is required the following shall apply:

    a. The Administrator shall condition the shoreline development, use, and/or activities such that it will:

        i. Meet provisions in subsection 1 above; and

        ii. Employ measures to mitigate adverse impacts on shoreline functions and, processes, if necessary; and

        iii. Modify the site plan and/or adjust the project dimensions, intensity of use, or screening as deemed appropriate to address impacts. If impacts cannot be avoided through design modification, the Administrator shall require compensatory mitigation, pursuant to regulations in Sections 4.1.2.5,

Regulations – Revegetation Standards, and 4.1.2.6, Regulations – Mitigation; and

b. If a proposed shoreline development, use or activity is determined by the Administrator to result in significant short-term, long-term, or cumulative adverse environmental impacts lacking appropriate compensatory mitigation, it shall be sufficient reason for the Administrator to deny a permit.

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

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

4.1.2.5 Regulations – Revegetation Standards

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

   a. Residential, Industrial and Commercial Development.

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

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

   b. Public Park and City Maintained Areas.

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

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

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

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

    a. Retain existing native vegetation; and

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

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

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

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

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

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

    e. Outside of the Shoreline Buffer; or

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

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

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

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

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

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

6. Special Mitigation Provisions for Point Monroe District. When vegetation mitigation is required for new development, uses, or activities in the Point Monroe District, the mitigation plan shall include new vegetation communities appropriate for dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh that shall be installed within the spit-specific vegetation management area (SVMA) as defined in Section 4.1.3.5(9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.

4.1.2.6 Regulations – Mitigation

1. Mitigation Sequence: Mitigation shall include the following actions in order of priority (a-e), and (f) is required for all mitigation activities:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

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

   d. Reducing or eliminating the impact over time by preservation and maintenance operations;

   e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

   f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive

areas are available off-site while only small fragmented areas are available on-site for mitigation.

3. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act.

4. When compensatory mitigation measures are required, all of the following shall apply:

    a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and

    b. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time; and

    c. Unless the Single-family Residential Mitigation Manual is being used for single-family residential development and accessory structures pursuant to Section 4.1.2.4(4), the mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and

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

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

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

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

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

4.1.2.7 Regulations – Surety

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

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

4.1.2.8 Regulations – Monitoring and Maintenance

1. When mitigation is required, a periodic monitoring program shall be included as a component of the required mitigation plan. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of five years from the date of the completed development. The monitoring plan may also require that periodic maintenance measures be included as recommended by a qualified professional. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.
2. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
3. Monitoring programs shall meet the requirements established in Section 4.1.5.14, Critical Area Reports ~~Monitoring Requirements, Appendix B, B-6(C)(2)(e)~~.
4. All new and replacement shoreline stabilization projects shall complete and submit a minimum five-year monitoring and maintenance program that addresses the shoreline stabilization mitigation measures, and shall at a minimum include:
    a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and
    b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.

4.1.3 Vegetation Management

4.1.3.1 Applicability

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

Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

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

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

4.1.3.2 Goal

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

4.1.3.3 Policies

1. Maintain existing shoreline vegetation to protect ecological functions and/or processes from adverse impacts of uses, activities and developments within the shoreline jurisdiction.
2. Emphasize the use of native vegetation species to maintain the ecological functions and/or processes and mitigate the direct, indirect, and/or cumulative impacts of shoreline development, uses and activities.
3. Provide flexible dimensional standards for buffers and setbacks that are based on performance standards designed to protect ecological functions and ecosystem-wide processes, including considering alternatives to planting native vegetation species if it can be demonstrated that the equivalent ecological functions can be provided.
4. Use monitoring programs to ensure the protection of shoreline ecological functions and ecosystem-wide processes, particularly when non-native vegetation species are used as an alternative to native vegetation.
5. Encourage the restoration or enhancement of shoreline vegetation through incentive programs.
6. Establish buffers immediately upland of OHWM for each shoreline designation, recognizing the pattern of development, shoreline ecological functions and ecosystem-wide processes, and using current science and technical information, as described in WAC

173-26-201(2)(a). In establishing buffers, consideration should be given to the land use patterns to minimize the number of existing structures that would not conform to buffer dimensional standards.

7. At the time of a proposal, allow site-specific dimensional standards for vegetation management areas for shoreline development, use or activity. Dimensional standards must protect shoreline ecological functions and ecosystem-wide processes.
8. Implement a public education program emphasizing the importance of shoreline vegetation management.
9. Allow selective vegetation clearing for views for new development and to maintain views from existing residences when slope stability and ecological functions and ecosystem-wide processes are not compromised. Trimming and pruning are generally preferred over removal of native shoreline vegetation.
10. Develop specific regulations for Point Monroe, based on vegetation and management practices appropriate for dune communities, sand spits, barrier beaches, barrier estuaries or barrier lagoons.

4.1.3.4 Regulations – Exceptions

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including maintenance of existing residential landscaping, such as lawns and gardens. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.
2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.
3. The following shall be exempt from the provisions of Section 4.1.3.
    a. Maintenance trimming of vegetation that has a main stem or supporting structure which is less than three (3) inches in diameter; except that tree topping or other vegetation removal is not exempt.
    b. Buffer enhancement through the removal of noxious or invasive weeds, provided the following are met:
        i. The vegetation removal is based on consultation with the Kitsap County Noxious Weed Board or the species being removed are on the Washington State Noxious Weed List (WAC 16-750, or its successor); and
        ii. The vegetation removal is conducted in a manner consistent with best management practices (BMP); and
        iii. Replanting occurs in the disturbed area in accordance with Section 4.1.2.5, Revegetation Standards.

c. Removal of hazard trees~~, as defined in Appendix B,~~ where a report by an arborist or other qualified professional demonstrates to the satisfaction of the Administrator that trimming is not sufficient to address the hazard provided:

i. Mitigation is provided in accordance with Section 4.1.2, Environmental Impacts, including:

A. Requiring that the downed tree be retained on the site to provide or enhance wildlife or marine habitat; and/or

B. When possible, require that the hazard tree be topped for safety and remain as a wildlife snag; or

ii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit ~~a Bluff Management Plan~~ documentation of compliance with development standards pursuant to Section 4.1.5.10.4, Critical Areas. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.

d. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program~~, including Appendix B,~~ and shall be limited to the minimum necessary to accommodate an approved use.

4.1.3.5 Regulations - General

1. Development within the shoreline jurisdiction shall be located and designed to protect existing native vegetation from disturbance to the fullest extent possible, to mitigate impacts to existing vegetation, and to meet the standard of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.

2. Vegetation clearing~~,~~ or grading, may not be undertaken within the shoreline jurisdiction without prior review and approval by the Administrator, unless otherwise exempt under Section 4.1.3.4, Regulations – Exceptions, or as provided in subsection 7 below, with an approved Standard Operation Procedure (SOP) manual. Clearing and grading may be subject to Section 4.1.4, Land Modification.

3. Two alternative methods may be used to meet the goals and policies of the Vegetation Management Section, as provided below, except the Point Monroe District shall meet the special provisions provided in subsection 9:

a. Site-Specific Vegetation Management Areas

i. As an alternative to the Shoreline Buffer dimensions provided in subsection b, below, an applicant may propose specific dimensional standards that meet the Vegetation Management goals and policies as determined through a Habitat Management Plan ~~prescribed in Appendix B, Section B-4,~~ provided that the plan demonstrates the following:

A. The proposed development is for a residential use.

B The site-specific proposal assures there is no net loss of the property's specific shoreline ecological functions and associated ecosystem-wide processes pursuant to Section 4.1.2, Impact Analysis and No Net Loss; and

C. The site-specific proposal uses the scientific and technical information* compiled to support the Shoreline Buffer standards of Section 4.1.3.5(3)(b), and/or other appropriate technical information which, as determined by a qualified professional, demonstrates how the proposal protects ecological functions and processes and how it meets the goals and policies of this Section.

ii. The Habitat Management Plan shall be reviewed by the Administrator in accordance with provisions in Section 4.1.5.14 ~~Appendix B~~. The Administrator may approve, approve with conditions, or deny the request. The Administrator shall have the Habitat Management Plan reviewed by an independent third party, the cost of which will be borne by the applicant.

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

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

b. As an alternative to a Site-specific Vegetation Management Area, a Shoreline Buffer shall be maintained immediately landward of the OHWM and managed according to provisions of this section. The Shoreline Buffer shall meet the

location and design standards of Section 4.1.3.6, Regulations – Shoreline Buffer – Location and Design Standard. The Shoreline Buffer shall be composed of two zones:

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

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

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

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

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

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

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

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

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

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

   a. The Administrator may require alterations of a site plan in order to retain significant trees outside the Shoreline Buffer or Vegetation Management Area. This may include

minor adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.

7. Vegetation clearing and maintenance activities, except those which are part of new construction, are allowed consistent with an approved SOP manual for vegetation maintenance and management of public parks, public trails, public rights-of-way or easements, publicly-owned property, and/or other areas normally maintained by the City. A shoreline substantial development permit may be required for the SOP manual. The SOP manual shall include the following prescriptive elements:
    a. Procedures for maintaining vegetation on shoreline properties, shoreline trails or shoreline rights-of-way and easements, including procedures for noxious weed removal;
    b. Procedures for maintaining vegetation in Critical Areas, Shoreline Buffers, or Site-specific Vegetation Management Areas, or other sensitive land areas, including areas with cultural resources;
    c. Procedures for mitigation and vegetation replanting including appropriate species list; and
    d. Procedures for review and approval of allowed activities occurring under the scope of the SOP, including procedures for documenting activities.
8. Minor vegetation removal outside the shoreline buffer or site-specific vegetation management area on a developed property not associated with new construction may be allowed, as provided in this program with an approved clearing permit provided:
    a. The Administrator may grant approval of minor vegetation clearing if it meets the provisions of this Program and the following:
        i. The minor vegetation clearing allowed within a three (3) year period will include an area no greater than 200 square feet in area and/or no more than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees; and
        ii. Native vegetation will not be removed from the Shoreline Buffer or Vegetation Management Area; and
        iii All applicable standards of an approved Vegetation Management Plan are met; and
        iv. The replanting is performed pursuant to Section 4.1.2.5, Revegetation Standards; and
        v. ~~A Bluff Management Plan is provided pursuant to~~ Documentation of compliance with the development standards in Section 4.1.5.10.4 provided by a licensed geotechnical engineer ~~Section 4.1.5, Critical Areas~~ for any vegetation alteration in a geologically hazardous area.

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

9. **Special Provisions for Point Monroe District**. Shoreline Buffers or Site-specific Vegetation management Areas are not required for properties located in the Point Monroe District;-the following specific vegetation provisions shall apply:
   a. All properties in the Point Monroe District shall retain existing native vegetation and shall be subject to a Point Monroe vegetation management area (PVMA).
   b. The PVMA shall include areas that are:
      i. Within thirty (30) feet of the OHWM and within the required side yard and the salt marsh fringe; and
      ii. Outside any designated development area as approved pursuant to Section 5.9.6(2).
   c. The PVMA shall be managed and maintained in vegetation communities appropriate to dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh.
   d. Developed properties shall retain existing native vegetation (including dune grass and salt marsh plant communities) in those areas that are not developed with legally established impervious surfaces.
   e. Any new development or alterations and expansion of existing development shall assess impacts to existing vegetation and meet the no net loss standard pursuant to Section 4.1.2, Environmental Impacts.

4.1.3.6 Regulations – Shoreline Buffer – Location and Design Standard

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

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

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

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

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

   b. Shoreline Buffer standard depth in Table 4-3

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

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

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

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

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

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

   a. New lawns are not permitted in Zone 1.

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

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

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

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

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

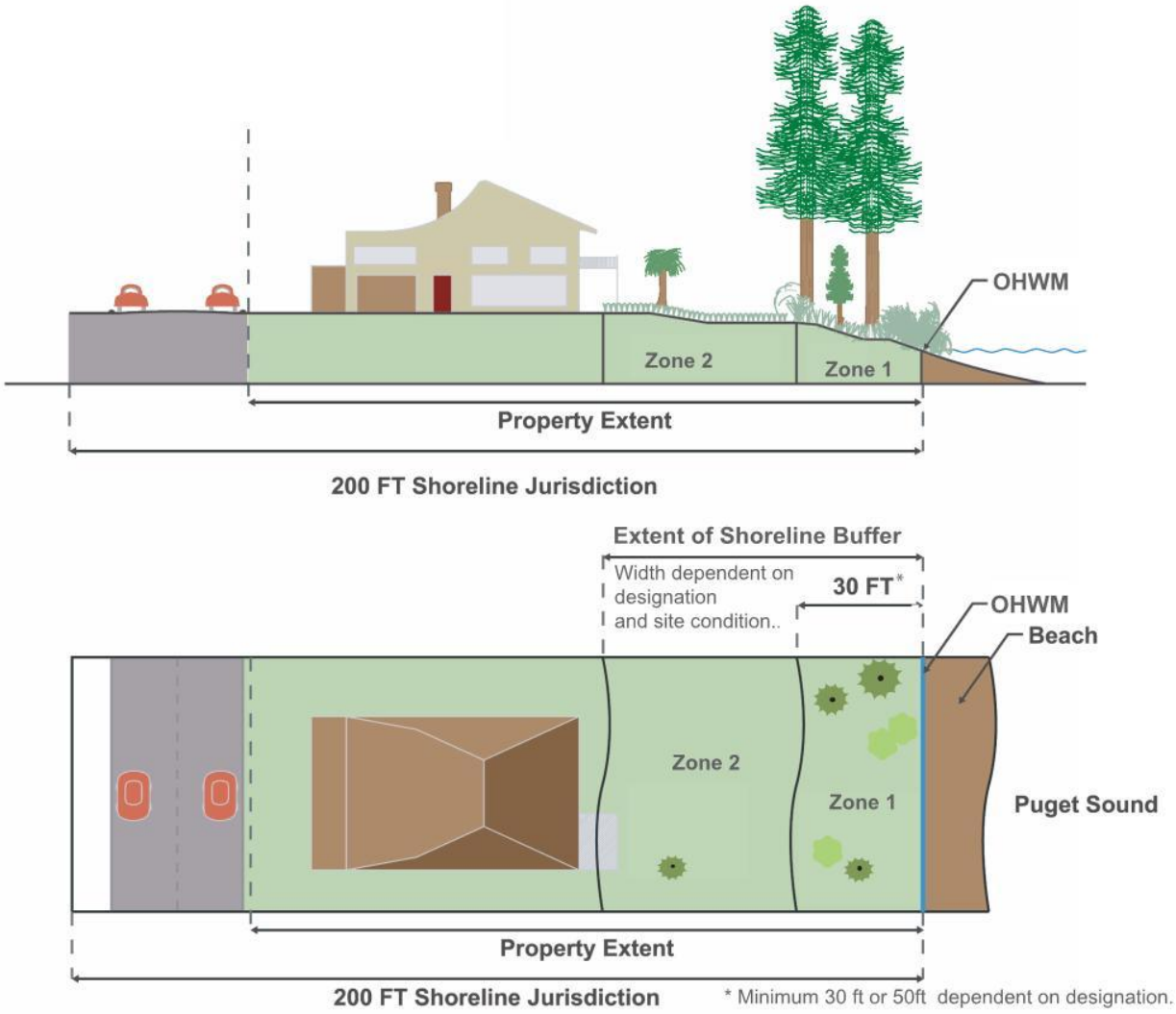


Figure 4-1 Dual Shoreline Buffer

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

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

    a. Existing landscape areas may be retained within the Shoreline Buffer or Site-specific Vegetation Management Area. However, any changes from the existing landscape to a different landscaping use or activity will require that the modified

area comply with the provisions of 4.1.3, Vegetation Management, and the intent of providing native vegetation to maintain ecological functions and processes.

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

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

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

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

   iv. Pruning shall retain branches that overhang the water.

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

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

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

e. Underground Utilities. Utilities that run approximately perpendicular to the buffer (for example, a stormwater tightline to the water to protect a slope or a sewer line to a marina), may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Area, provided that disturbance is minimized and the disturbed area is revegetated after construction; and

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

i. Potable water wells; and

ii. Approved shoreline stabilization;

2. Shoreline Buffer Reductions.

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

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

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

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

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

b. Stairway design shall meet the following minimum criteria:

i. International Codes for:

A. Hand Railings;

B. Stairway width; and

C. Tread Depth.

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

A. Existing site topography;

B. Personal safety; and

C. Slope stability.

4.1.3.8 Vegetation Alterations Standards – Residential Development

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

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

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

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

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

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

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

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

    e. All structures must meet the following standards:

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

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

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

4. View Maintenance – Single-family Residential Only.

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

    a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing

view from the primary structure, or to establish a view for a new primary structure provided the following are met:

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

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

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

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

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

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

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

i. Slope stability;

ii. Habitat value;

iii. Health of surrounding vegetation;

iv. Risk of wind damage to surrounding vegetation;

v. Nearby surface or ground water; or

vi. Water quality of a nearby water body.

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

Minor clearing, grading, or construction may be approved within the Shoreline Buffer for a commercial or industrial development with approval of the Administrator pursuant to Section 4.1.3.7(1)(a) and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

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

4.1.3.10 Vegetation Alteration Standards – Public Park Development in Shoreline Buffers

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

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

b. New public pathways or trails to the shoreline provided it is demonstrated that the size and extent of the public pathways has been determined with due consideration of the intended park use.

c. Structures.

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

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

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

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

iv. All structures must meet the following standards:

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

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

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

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

4.1.3.11 Regulations – Shoreline Structure Setback View Requirement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

    c. Primary Residential Structure Located on a Shoreline Forming a Cove or Headland. The Administrator shall make the determination whether a shoreline

forms a cove or headland. When existing primary residential structures are located on a cove or headland, the shoreline structure setback line shall be determined as follows:

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

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

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

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

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

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

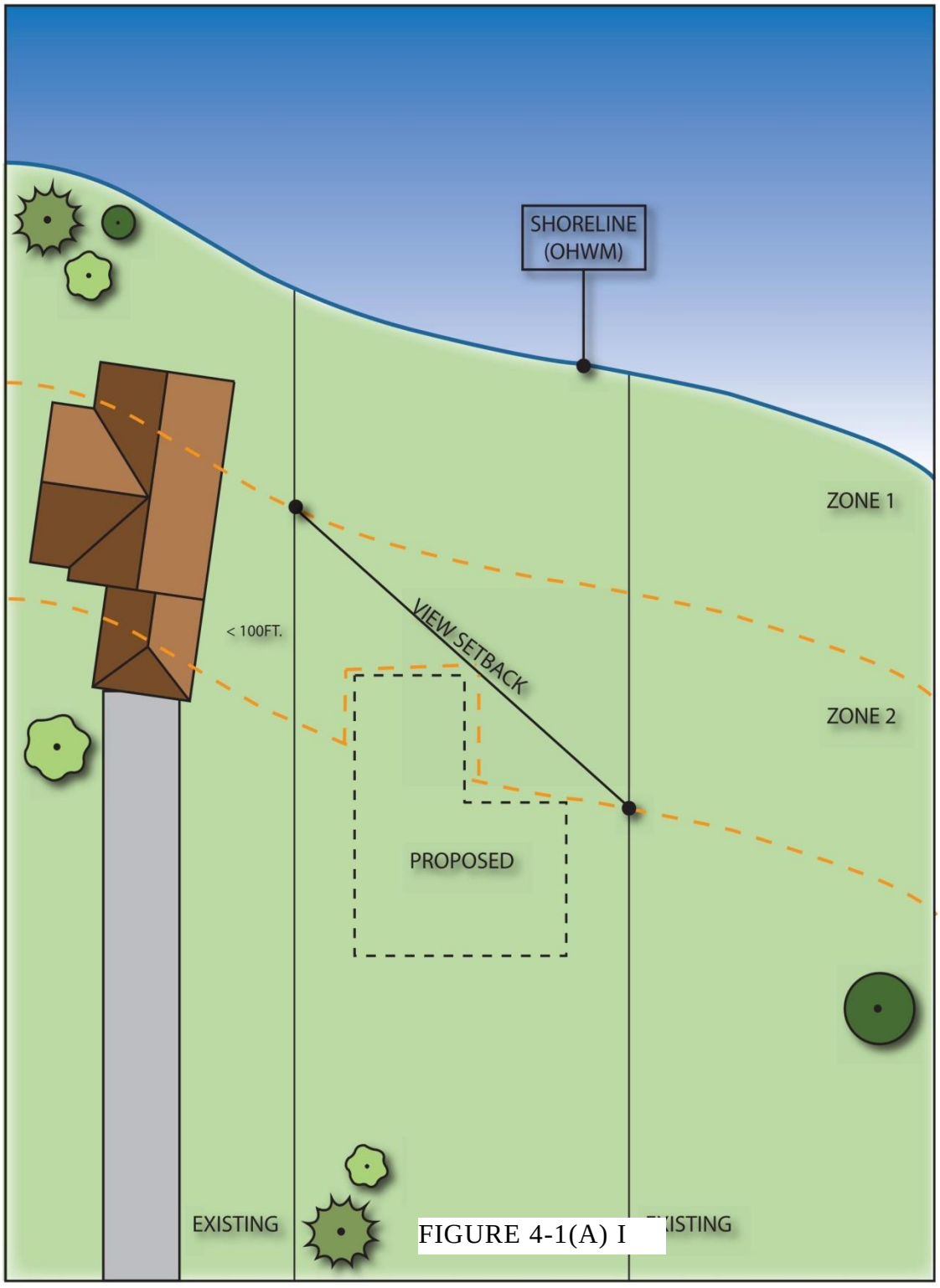

SHORELINE
(OHWM)
ZONE 1
ZONE 2
< 100FT.
VIEW SETBACK
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(A) I

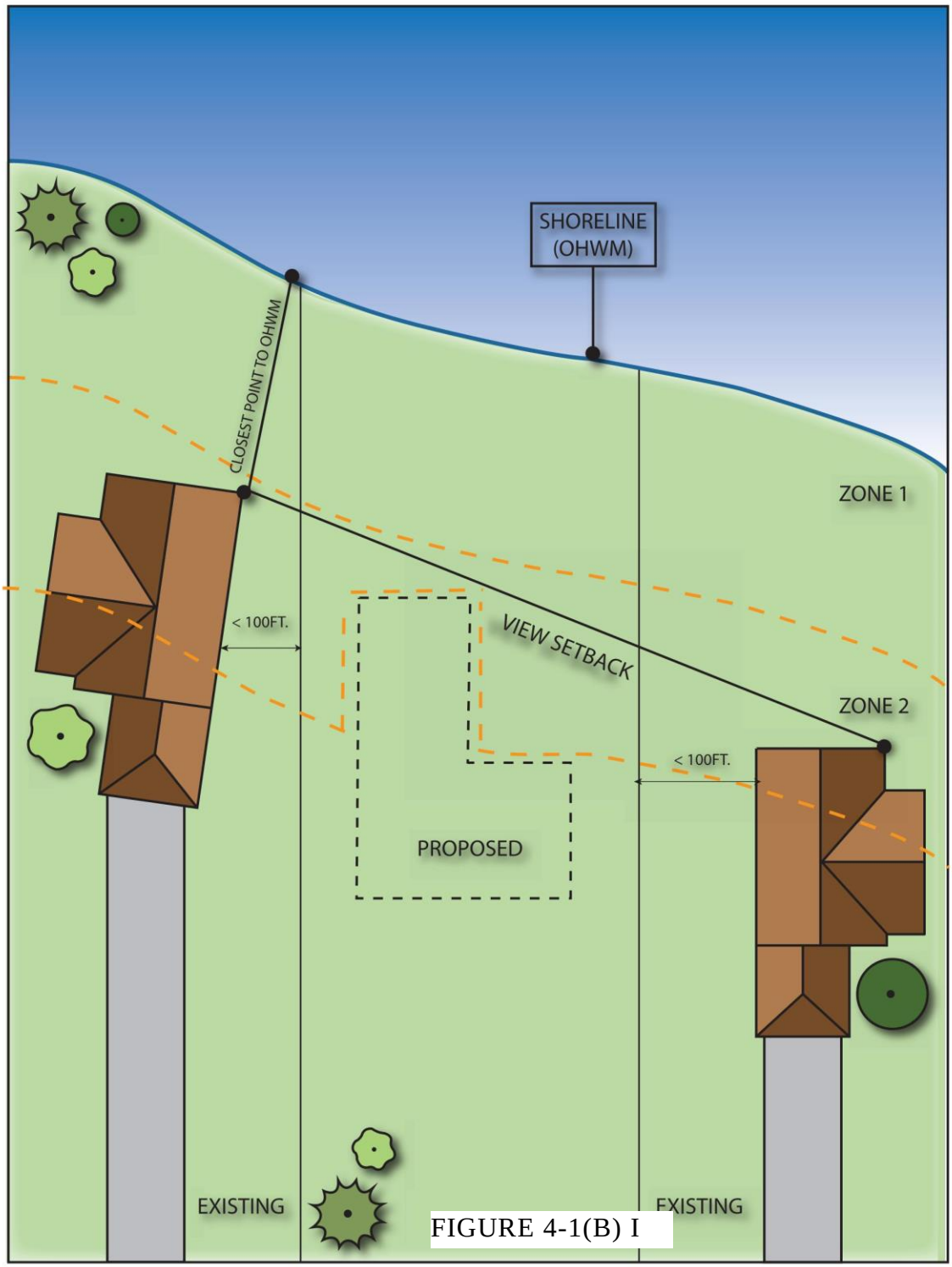

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
< 100FT.
VIEW SETBACK
ZONE 2
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(B) I

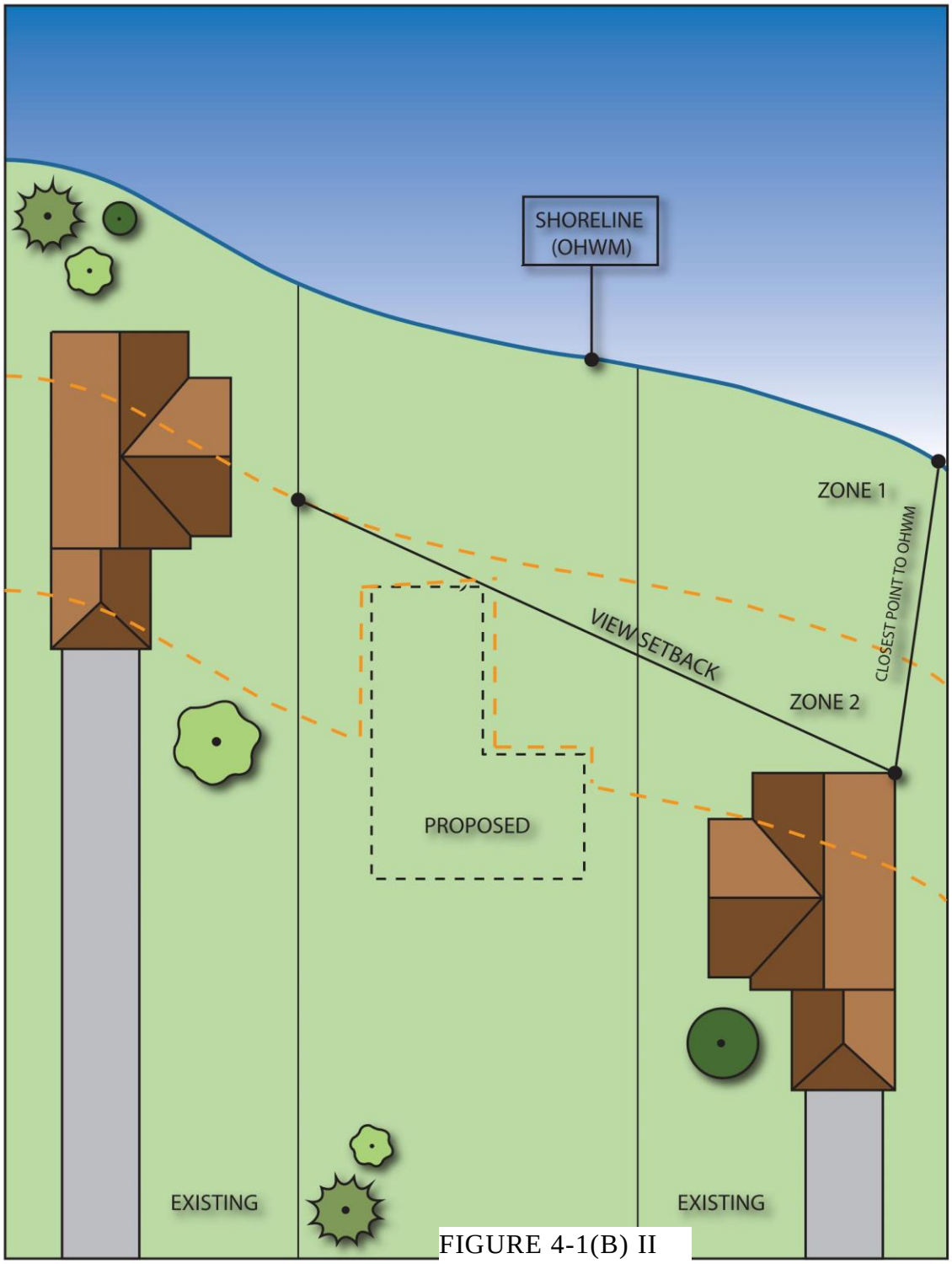


FIGURE 4-1(B) II

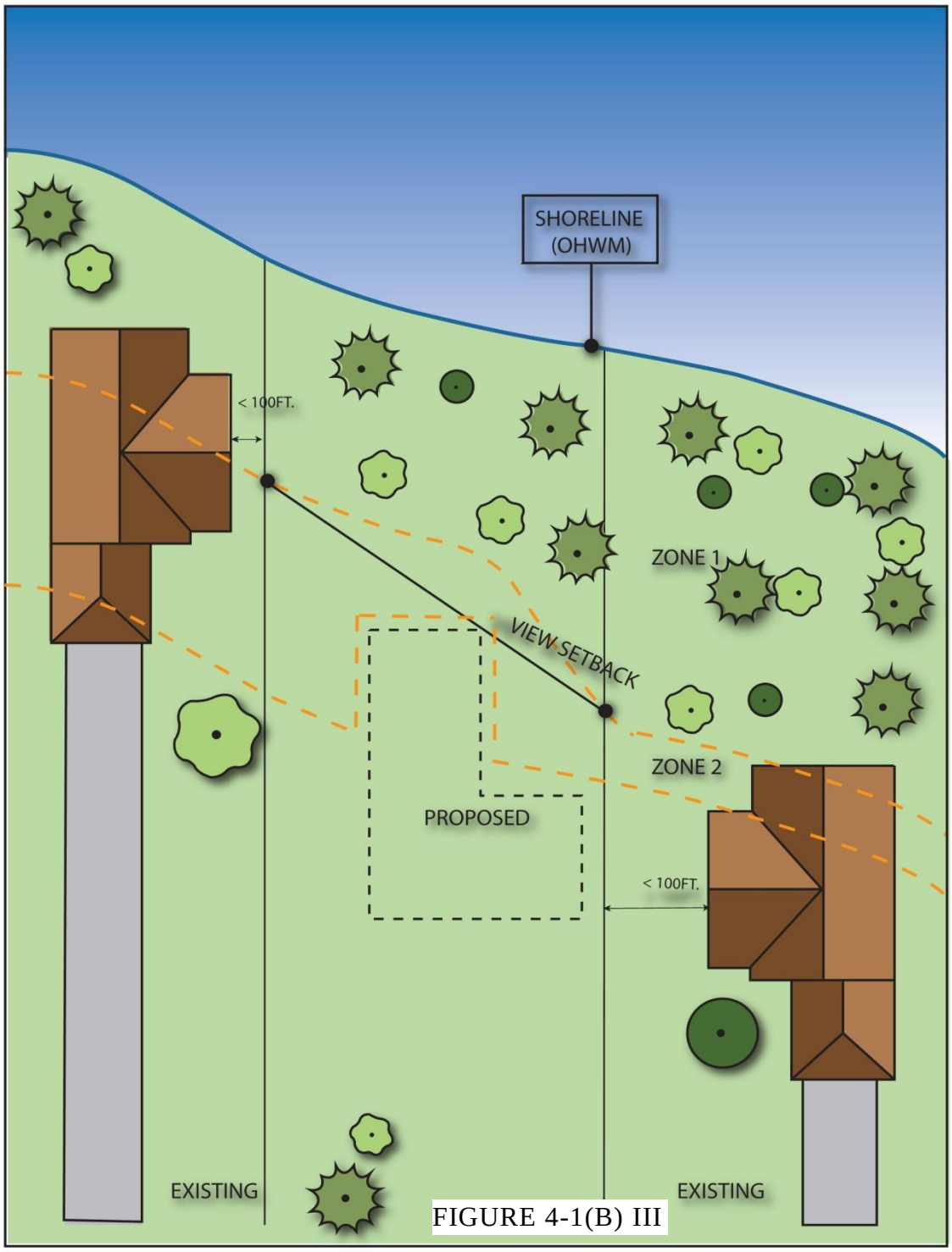
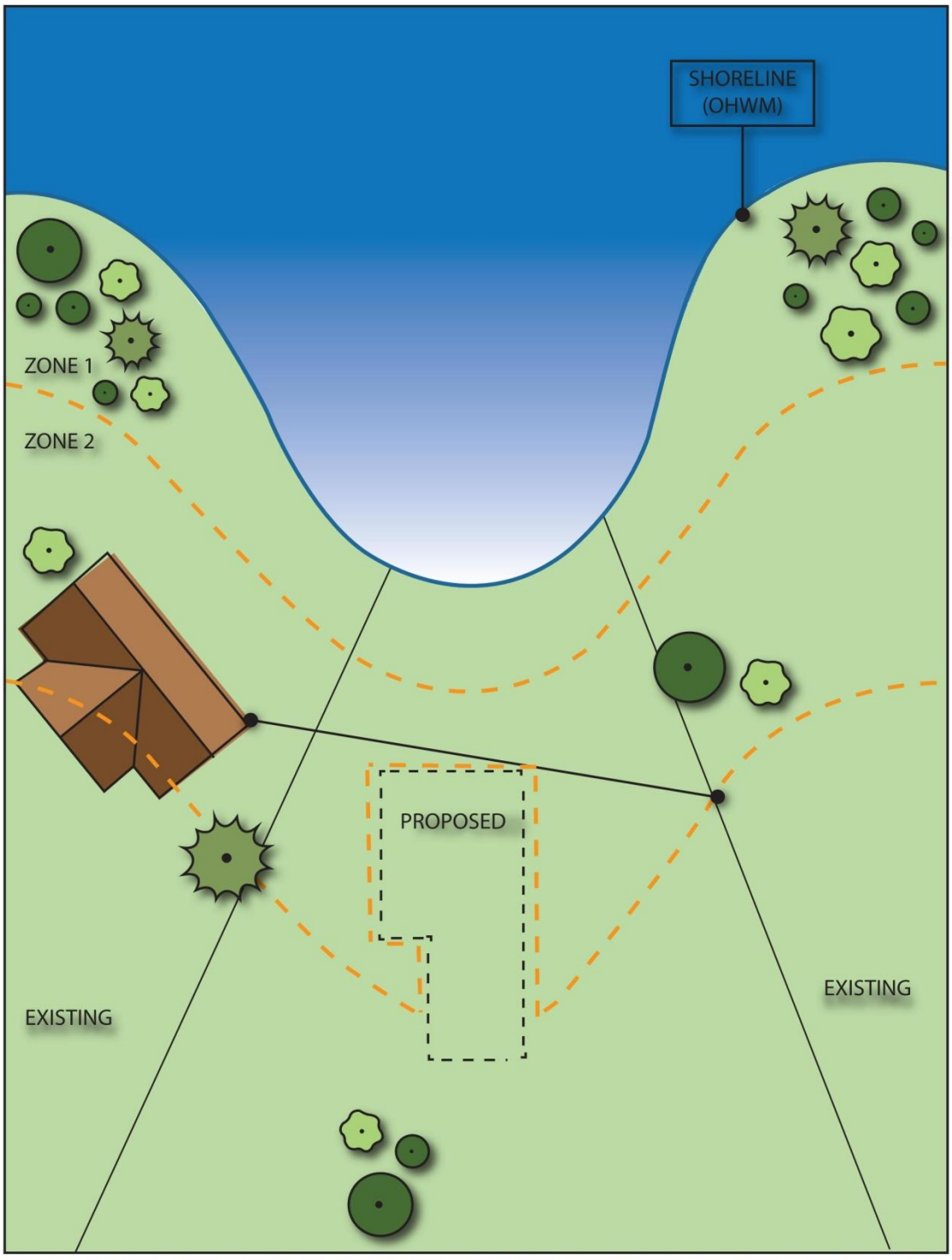


FIGURE 4-1(B) III


SHORELINE
(OHWM)
ZONE 1
ZONE 2
PROPOSED
EXISTING
EXISTING

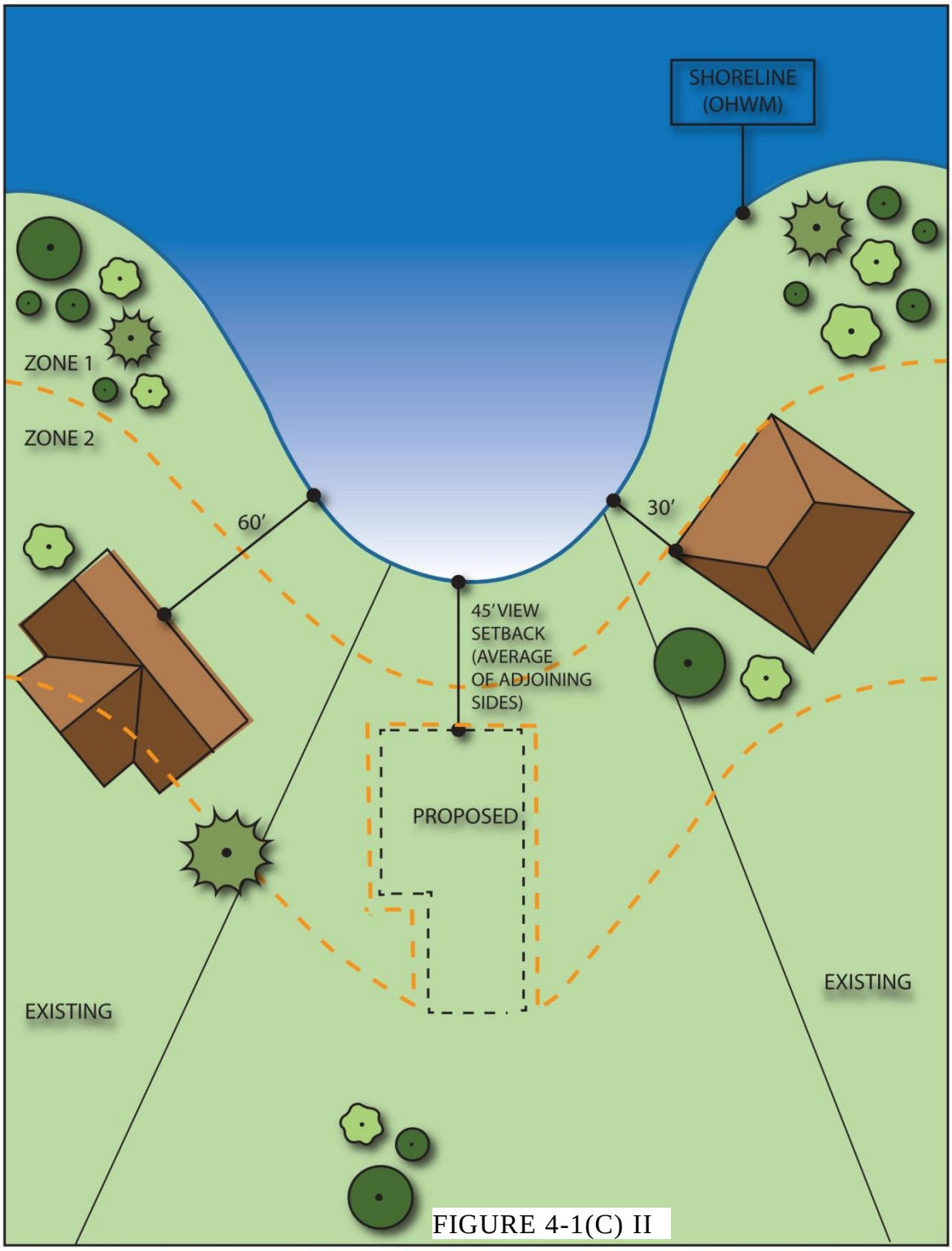


FIGURE 4-1(C) II

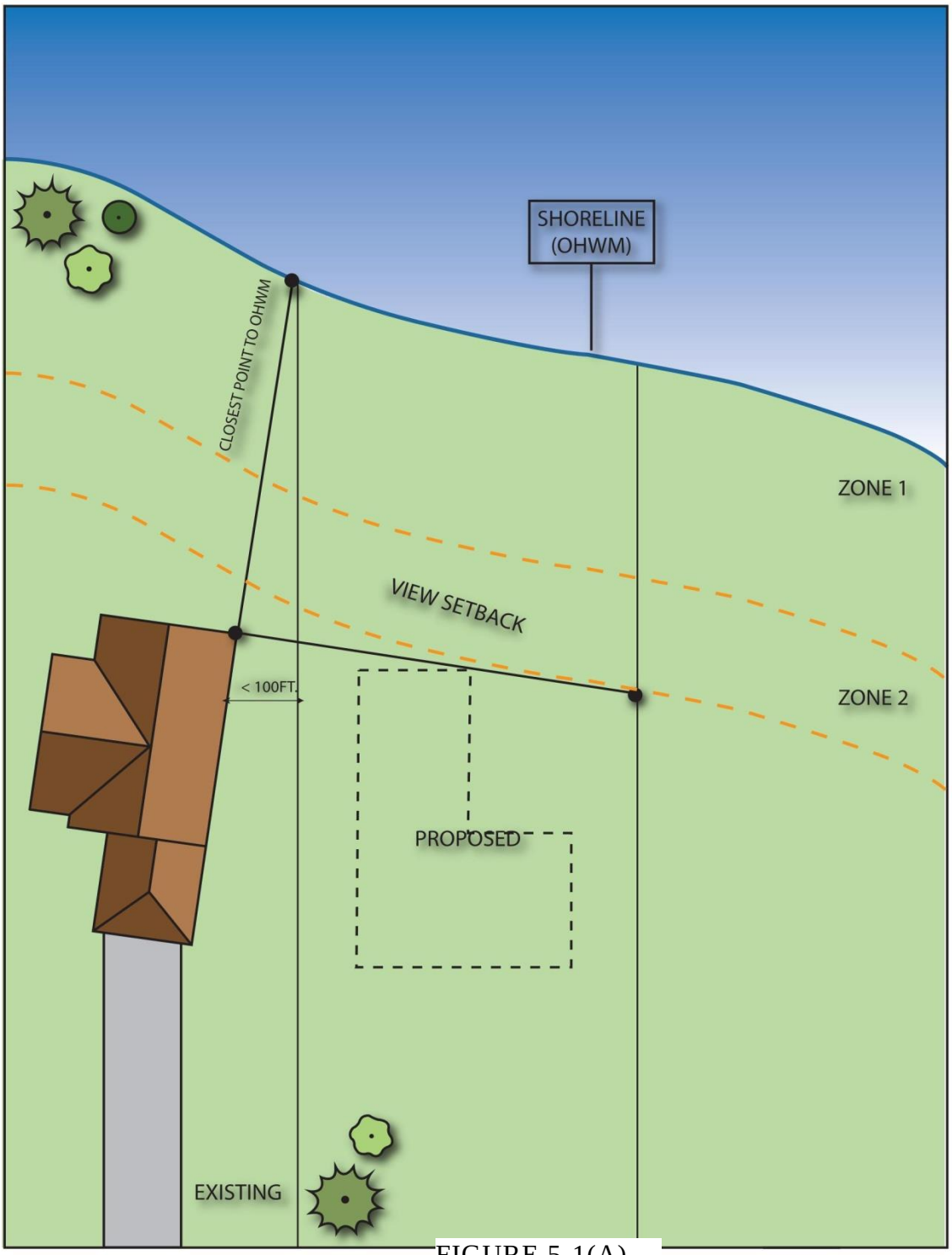

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
VIEW SETBACK
< 100FT.
ZONE 2
PROPOSED
EXISTING

FIGURE 5-1(A)

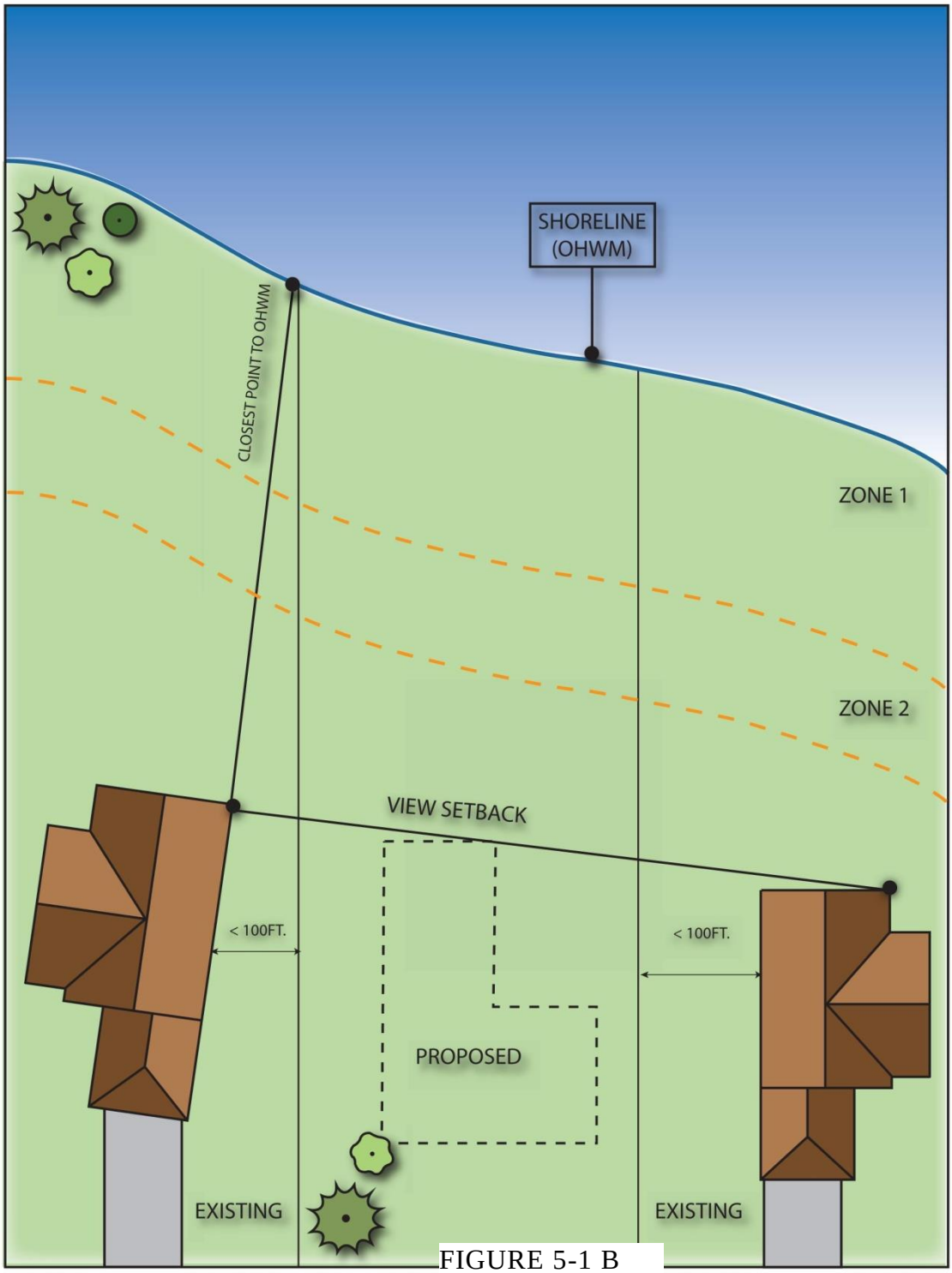

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
ZONE 2
VIEW SETBACK
< 100FT.
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 5-1 B

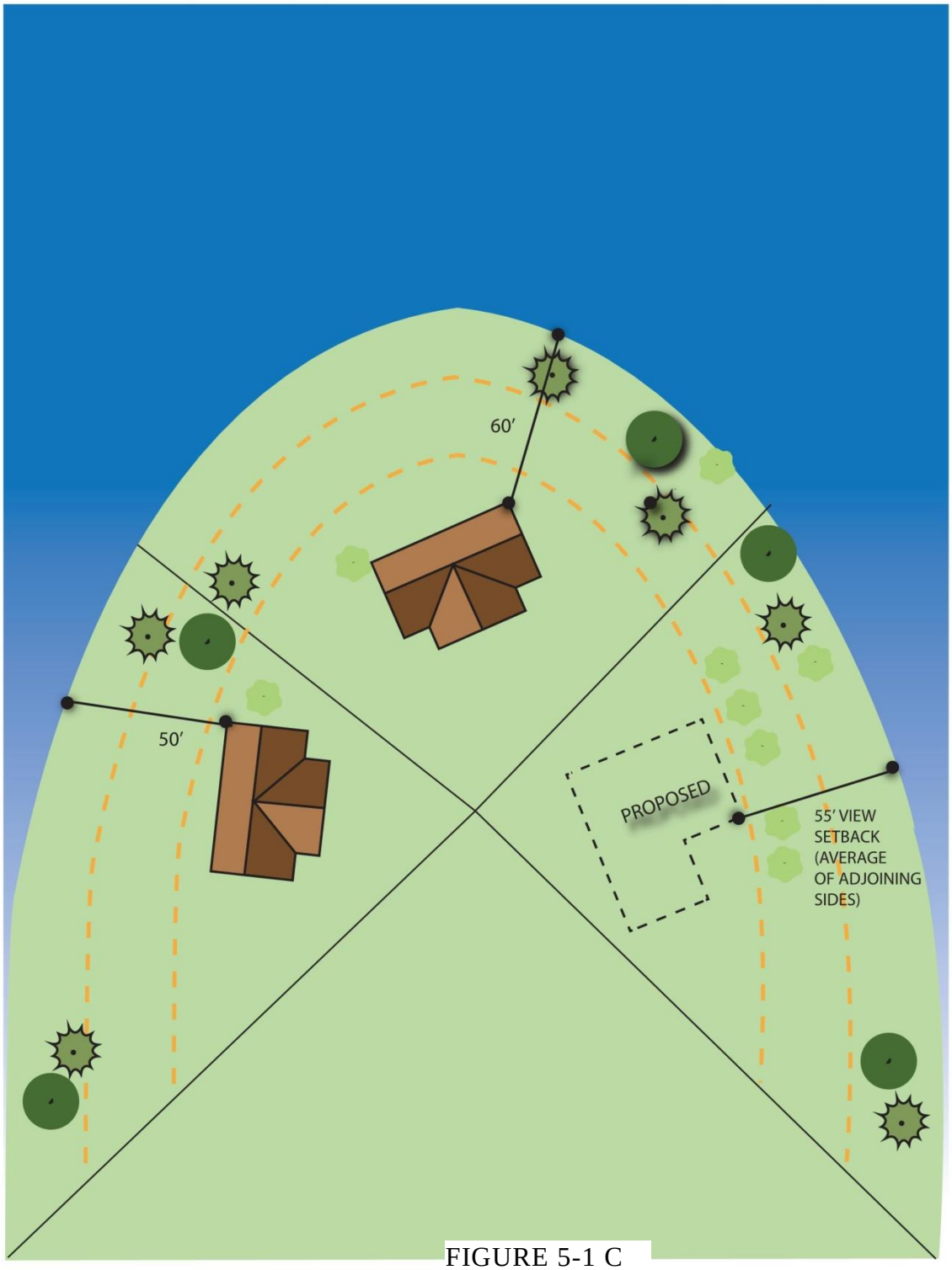


FIGURE 5-1 C

4.1.4 Land Modification

4.1.4.1 Applicability

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

4.1.4.2 Policies

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

4.1.4.3 Regulations – Prohibited

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

4.1.4.4 Regulations - General

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

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

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

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

4.1.5 Critical Areas

4.1.5.1 Applicability

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

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

4.1.5.2 Goal

Comprehensively manage shoreline uses and activities to protect, enhance, and restore existing ecological functions and ecosystem-wide processes of critical areas by utilizing the most current, accurate, and complete scientific and technical information. **By avoiding and limiting adverse impacts to and alteration of critical areas, this section seeks to protect the Island's special character and accomplish the following goals:**

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

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

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

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

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

4.1.5.3 Purpose and intent

1. The purpose of this section is to designate and classify ecologically sensitive and hazardous areas as critical areas and to protect, maintain and restore these areas and achieve no net loss of their functions and values and allow for reasonable use of public and private property.
2. This section is intended to implement the goals, policies, guidelines, and requirements of the city comprehensive plan and the Growth Management Act (Chapter 36.70A RCW).

3. Critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. Critical areas may also pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, wave attenuation, and protection from hazards and the impacts of climate change. Groundwater recharge is of particular concern for the city because the Island's drinking water is supplied solely by groundwater.
4. This section is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this section to make a parcel of property unusable by denying its owner reasonable use of the property or to prevent the provision of public facilities and services necessary to support existing development.

4.1.5.4 Protection of Critical Areas

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

4.1.5.~~3~~5 Policies

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

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

~~a. Critical Aquifer Recharge Areas~~

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

~~c. Frequently Flooded Areas~~

~~d. Geologically Hazardous Areas~~

~~e. Wetlands~~

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

~~g. Critical Habitat~~

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

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

3~~4~~. Locate and design shoreline uses, activities, and/or development to avoid risks to people and property. See also Section 3.0, Shoreline Designation Policies and Regulations, for additional provisions.

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

4~~6~~. Promote ~~and manage~~ water-related shoreline uses and activities, such as public access and recreation, that are compatible with critical areas, provided they do not result in a net loss of critical area functions and values.~~adversely impact ecological function.~~

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

4.1.5.46 Allowed Activities within Critical Areas

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

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

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

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

d. Activities within the improved right-of-way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, when such facilities are located within the improved portion of the public right-of-way or easement of a private street, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater.

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

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

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

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

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

functional analysis that the interrupted buffer area is functionally isolated from the critical area. The director shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the physical separation.

4.1.5.47 Regulations – General

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

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

~~3. Special Reports. For development proposed on property with marine bluffs, steep slopes, erosion hazard areas and/or landslide hazard areas, a geotechnical report shall be required to assess potential hazards and propose measures to mitigate such hazards consistent with the requirements of this Master Program and attached appendices.~~

1. Any proposed development or activity within a critical area or its buffer or setback requiring review under this Program shall be reviewed based on the proposal's ability to comply with all of the following criteria:

   a. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (SMP 4.1.2.6);
   b. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
   c. The proposal is consistent with the general purposes of this section and the public interest;
   d. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements in SMP 4.1.2.6;
   e. The proposal protects the critical area functions and values consistent with best available science and results in no net loss of critical area functions and values;
   f. The proposal addresses cumulative impacts of the action; and
   g. The proposal is consistent with other applicable regulations and standards.

2. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and to conform to the standards required by this section.

3. Except as provided for by this section, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences in SMP 4.1.2.6 shall be denied.

4. Support Information Requirements. Any application for proposed development or activity requiring review under this Program shall include the following:

   a. A site plan drawn to scale identifying locations of critical areas and their buffers, location of proposed development, uses and activities, location and estimated quantity of earthwork and vegetation clearing and location and type of drainage features or infrastructure.

   b. Any critical area report or study required by this section. Such reports or studies shall be prepared by qualified professionals in the area of concern as defined in Section 8.0, Definitions, and in accordance with the requirements provided in Section 4.1.5.14 (Critical Areas Reports) as follows:

      i. Aquifer recharge study: Hydrogeologist;

      ii. Geological hazard assessment: Engineering geologist; geotechnical engineer, provided that:

         i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and
         ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.

      a. Stream buffer enhancement plan: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;
      b. Wetland buffer enhancement plan, wetland critical area report, wetland mitigation plan: Wetlands specialist.
      c. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.
      d. The director is authorized to retain experts at the applicant's expense and request review from other jurisdictional agencies to assist in the review of application materials; and

   3. Any additional information determined as relevant by the director.

5. Notice on Title

a. The owner of any property with field-verified presence of critical area or buffer on which a development proposal is submitted shall file for record with the Kitsap County auditor a notice approved by the director in a form substantially as set forth in Subsection 2 of this Section. Such notice shall provide notice in the public record of the presence of a critical area and buffer, the application of this section to the property, and that limitations on actions in or affecting such areas may exist. The applicant shall submit proof that the notice has been filed for record before the city shall approve any development proposal for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this section.

b. Form of Notice.

Critical Areas
and/or
Critical Areas Buffer Notice

Legal Description:_____
Present owner: _____
NOTICE: This property contains critical areas or their buffers as defined by the City of Bainbridge Island Ordinance No. _____. The property
_____ was the subject of a development proposal for

_____
(type of permit) application #_____ filed on ___(date)___. Restrictions on use or alteration of the critical areas or their buffers may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of critical areas or critical area buffers and restrictions on their use through setback areas. A copy of the plan showing such setback areas and other restrictions or required enhancements is attached hereto.
Signature of owner _____

STATE OF WASHINGTON)
COUNTY OF _____)
On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein stated.
Given under my hand and official seal this ____ day of _____, _____. NOTARY PUBLIC in and for the state of Washington, residing at _____.

4.1.5.~~5~~8 Regulations – ~~Fish and Wildlife Habitat Conservation Areas and~~ Critical Saltwater Habitat

1. Water-dependent development and uses, including marinas, docks, piers, mooring areas, underwater parks, utility crossings, and shoreline modifications, shall not intrude into or be built over critical saltwater habitat unless:

   a. The applicant can show that all of the following criteria can be met:

      i. The use preferences of Section 4.1.1 shall be utilized for uses in Shorelines of State-wide Significance; and

      ii. The need for such a structure is clearly demonstrated and an alternative alignment or location on the property that would avoid impacts to critical saltwater habitats is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose, as demonstrated through an alternatives analysis. The analysis should include in part, shoreline bathymetry, shoreline features at the site, and substrate composition;

      iii. It can be demonstrated that the project is consistent with the state's interest in resource protection and species recovery; and

      iv. Impacts to critical saltwater habitat functions and processes are mitigated to result in equal or better ecological function; or

   b. The proposal is for private, non-commercial, residential docks for single use, community, or joint-use, which may be authorized, provided that:

      i. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and

      ii. The project, including any required mitigation, will result in no net loss of ecological functions and processes associated with critical saltwater habitat.

   c. New or expanded overwater structures shall be located the greater or most protective of:
      i. A horizontal distance of 25 feet from the outside edge of the structure to native aquatic vegetation attached to or rooted in substrate;
      ii. A horizontal distance equal to the maximum distance shade will be cast by the structure and vessel;
      iii. A 4-foot vertical distance from eelgrass or relevant submerged aquatic vegetation;
      iv. A distance the diameter of the turning circle, if the structure is to be utilized for motorized vessels. The turning circle is defined as 3.5 times the length of the longest vessel to use the structure.
      v. Alternative measures that demonstrate no net loss of ecological functions.

   d. For projects within WDFW documented Pacific herring spawning locations, in-water activities that would affect herring spawn should be restricted to WDFW's approved

work window for Bainbridge Island (May 1 through January 14). For aquaculture projects, the City may consider alternative methods that are contained in federal and/or state aquaculture permits for reducing impacts to herring spawning habitat and other forage fish spawning habitat.

e. For projects other than commercial aquaculture within WDFW documented sand lance and surf smelt spawning locations, no activities should occur during spawning windows as identified by WDFW. For commercial aquaculture projects within WDFW documented sand lance and surf smelt spawning locations, no harvesting may occur during the surf smelt or sand lance spawning seasons until a spawning survey is conducted. If surf smelt or sand lance spawn are present in the growing area to be harvested or adjacent tidelands, then no harvest activities may occur until the eggs are hatched. Extreme caution should be taken to avoid impact and minimize disturbance of sand lance and surf smelt larvae that are present.

2. Aquatic herbicide treatments, mechanical removal of vegetation or aquatic pesticide treatments shall not be used on critical saltwater habitats, except for approved habitat restoration or enhancement measures that meet the provisions of Section 4.1.6, Water Quality and Stormwater Management.

3. Sand, gravel or other materials shall not be added or removed from critical saltwater habitat, unless approved as part of a restoration effort or beach nourishment program or as allowed in 1, above.

4. New outfalls (including stormwater and sewer outfalls) and discharge pipes shall not be located in critical saltwater habitats or areas where outfall or discharge will adversely affect critical saltwater habitat, unless the applicant can show that all of the following can be met:

   a. There is no feasible alternative location for the outfall or pipe; and

   b. The outfall or pipe is placed below the surface of the beach or bed of the water body; and

   c. The discharge point(s) on the outfall or discharge pipe is located so the discharges, including nutrients and flow, do not adversely affect critical saltwater habitats; and

   d. For public sewage outfalls:

      i. The outfall discharges waterward of the intertidal zone.

      ii. The disturbed area will be revegetated with native vegetation.

5. The use of existing outfalls shall be maximized to limit the need for additional outfalls, provided the existing outfall meets the standards of this section, or unless an alternatives analysis demonstrates the dispersal is less impacting to the shoreline environment.

~~6. For activities adjacent to fish and wildlife habitat conservation areas the maximum prescribed buffer shall apply. These buffers can be modified on a case-by-case basis through a habitat management plan, pursuant to Section B-4 contained in Appendix B. In~~

~~order to determine the need or extent of a buffer, a critical area report shall be required for all development in or adjacent to a habitat conservation area.~~

~~a. In addition to the requirements in Appendix B, the Habitat Management Plan shall:~~

~~i. Describe actions that will be implemented to ensure that buffer areas provide ecological functions and processes equivalent to a dense native plant community to the extent possible given the area that is feasibly available; and~~

~~ii. Demonstrate that no net loss of ecological functions and processes in critical saltwater habitat and other critical areas will occur, as specified in WAC 173-26-201(3)(d) and WAC 173-26-221(2)(c)(iii).~~

7. Until an inventory of critical saltwater habitat is completed, all over water and near-shore development shall conduct an inventory of site and adjacent beach sections to assess the presence of critical saltwater habitat and/or functions and processes. The inventory shall occur prior to construction and the methods and extent of the inventory shall be consistent with accepted research methodology. New studies shall be required only when existing information is out dated or does not exist.

~~4.1.5.6 Regulations – Frequently Flooded Areas~~

~~1. All new development and new uses within the jurisdiction of this Master Program shall comply with the provisions of Section B 11, Frequently Flooded Areas located in Appendix B of this Master Program.~~

4.1.5.9 Aquifer Recharge Areas

1. Applicability. Aquifer recharge areas are areas that have a critical recharging effect on groundwater used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities. In accordance with WAC 365-190-100, the entirety of Bainbridge Island is classified as an aquifer recharge area to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.

2. Prohibited Activities and Uses. The following activities and uses are prohibited within critical aquifer recharge areas due to the probability or potential magnitude of their adverse effects on groundwater:

   a. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;

   b. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

c. Chemical wood preservation and/or treatment facilities;

d. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store (other than minor sources such as medicinal uses or industrial testing devices), process, or dispose of radioactive substances;

e. Hazardous liquid transmission pipelines;

f. Commercial mining and chemical washing of metals, hard rock, sand, and gravel;

g. Hydrocarbon extraction, reprocessing, refinement, and storage;

h. Electroplating/metal finishing;

i. Facilities that treat, store, process, or dispose of hazardous waste; and

j. Other Prohibited Uses or Activities.
   i. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and
   ii. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a stream.

3. Development standards – general

a. No development, use or activity may exceed water quality standards or otherwise violate the anti-degradation requirements specified in WAC Chapter 173-200.

b. Any development or activity that is not excluded in Section 4.1.5.8.4.a shall ensure sufficient groundwater recharge, defined as maintaining 100 percent of the annual average pre-construction groundwater recharge volume for the site. The primary means to ensure sufficient groundwater recharge shall be through the designation of an Aquifer Recharge Protection Area in accordance with Section 4.1.5.8.4.

4. Development standards – Aquifer Recharge Protection Area (ARPA)

a. Any proposed development or activity requiring a site assessment review (SAR) pursuant to BIMC 15.19 and 15.20 located within the R-0.4, R-1 or R-2 zoning designations requires designation of an ARPA; except, designation of an ARPA is not required for the following:
   i. Removal of invasive species;
   ii. Construction of public trails provided the standards set forth in Section 5.8 are met;

iii. Replacement of hard surfaces; and
iv. Development and activities located on properties protected in perpetuity by a legal instrument acceptable to the City Attorney wherein at least 65 percent of the site meets the development standards for aquifer recharge protection areas of this section.

5. ARPA general requirements

a. The location and configuration of the ARPA shall be determined through completion of a Site Assessment Review (SAR) in accordance with BIMC 15.19. The city may require a professional forester, ISA-certified arborist or landscape architect to determine the location and configuration of the ARPA if needed to ensure the ARPA design standards set forth in Section 4.1.5.8.6.a through c. are met;

b. The ARPA shall include all existing native vegetation on a site, up to a maximum of 65 percent of the total site area. A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel;

c. The maximum area of the required ARPA may be reduced to 50 percent for public schools and public parks allowed in the underlying zoning district;

d. The location and configuration of the ARPA may change over time; however, the total area required pursuant to b., above, shall be retained once established. Any alteration to the location or configuration of the ARPA shall be approved by the director and documented on a site plan included with a notice to title in accordance with Section 4.1.5.6. The city may require a ARPA stewardship plan prior to approving a change to the location and configuration of the ARPA.

6. ARPA design standards

a. Healthy, existing trees and vegetation should be retained to the maximum extent possible. Healthy significant trees shall be priority trees for retention. Trees shall be retained in one or more stands or clusters.

b. The ARPA shall be delineated to include:
i. A low perimeter-to-area ratio;
ii. A minimum width of 12 feet; and
iii. The critical root zone of all significant trees.

c. The ARPA shall be contiguous with abutting, off-site areas of other ARPAs, open space or critical areas to the extent feasible.

d. The ARPA may include landscaping or open space requirements pursuant to BIMC 18.15.010.D and E and BIMC 17.12, respectively, and other critical areas and their buffers or setbacks pursuant to other provisions of this section.

4. ARPA use standards. The following developments and activities are allowed within a designated ARPA located outside the required shoreline buffer or Site-Specific Vegetation Management Area. Development and activities within any portion of an ARPA located within the required shoreline buffer or Site-Specific Vegetation Management Area is subject to applicable sections of this Program.

   a. Any structure or activity as long as the new structure or activity is shown to not negatively impact the amount of groundwater recharge on the site. Specifically, any structure or activity is allowed as long as the structure or activity (including mitigation measures, if any are needed) maintains 100 percent of the annual average groundwater recharge volume that existed on the site prior to the structure or activity as demonstrated by the 2012 Western Washington Hydrology Model (WWHM2012) recharge module, as amended.

   b. Tree and vegetation activities specified in BIMC 16.20.090.B.4.

   c. Installation of native plants.

   d. Removal of invasive plant species.

   e. Passive recreation, including pervious trails.

   f. Potable water wells and well houses.

   g. Low impact fencing or signs marking the ARPA boundary.

   h. On-site sewage drainfield facilities, if construction of the system will not require the use of heavy equipment or removal of significant trees.

   i. Storm drainage facilities if the applicant can demonstrate that (a) the system meets the low impact design (LID) standards of BIMC 15.20, and (b) construction of the system will not require the use of heavy equipment or removal of significant trees.

   j. Accessory solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and cisterns, as defined in BIMC 18.36.

k. Other structures or hard surfaces with a total footprint of no greater than 200 square feet.

l. Driveways may be allowed to pass through the ARPA if (a) siting of the driveway within the ARPA is determined by the director to be necessary to achieve greater native vegetation retention and use of non-structural low impact design practices, (b) site utilities are installed within the footprint of the driveway, (c) siting of the driveway avoids removal of significant trees to the maximum extent feasible and (d) the total area required pursuant to Section 4.1.5.8.5 is achieved, which may require replanting of areas comprised of non-native vegetation.

m. Removal of any significant tree, other than hazard tree removal, with City review and pre-approval of an Aquifer Recharge Protection Area stewardship plan prepared in accordance with Section 4.1.5.14.

5. ARPA protection

a. The ARPA, including the critical root zone of significant trees, shall be protected during construction as provided in BIMC 18.15.010.C.4 or as specified by an ISA-certified arborist.

b. The ARPA shall be documented on a site plan included with a notice to title in accordance with Section 4.1.5.6.

4.1.5.10 Fish and Wildlife Habitat Conservation Areas

1. Fish and Wildlife Habitat Conservation Areas include:

a. Streams. Within the city of Bainbridge Island, streams shall include those areas which meet the definitions in Section 8.0, Definitions. Streams shall be classified in accordance with the Washington Department of Natural Resources water typing system (WAC 222-16-030), which is hereby adopted in its entirety by reference and summarized as follows:

i. Type F: streams which contain fish habitat pursuant to Section 8.0 (Definitions);
ii. Type Np: perennial non-fish habitat streams; and
iii. Type Ns: seasonal non-fish habitat streams.

b. Habitats recognized by federal or state agencies for federal- and/or state-listed endangered, threatened, sensitive and candidate/monitored species which presence is documented in maps or databases available to City of Bainbridge Island.

c. Areas that contain habitats and species of local importance. Any person may nominate for designation a species or habitat of local importance. Nominations will be processed pursuant to definitions in Section 8.0, Definitions and nomination criteria developed by the director.

d. Biodiversity areas and corridors as defined in the 2008 Washington Department of Fish and Wildlife Priority Habitat and Species List, or as amended.

e. All areas within the city of Bainbridge Island meeting one or more of the preceding criteria in this Section, regardless of any formal identification or mapping, are hereby designated critical areas and are subject to the provisions of this section and shall be managed consistent with the best available science, such as the Washington Department of Fish and Wildlife's most recent Management Recommendations for Priority Habitat and Species.

2. Mapping

The location and extent of all mapped critical areas shown on the city of Bainbridge Island critical area maps are approximate and shall be used as a general guide only. The type, extent and boundaries shall be determined in the field by a qualified professional according to the requirements of this section. The critical area maps are adopted as part of this section and are incorporated herein by this reference. Washington Department of Natural Resource (DNR) and Washington Department of Fish and Wildlife maps are not the only source of data. Any request to change the city's existing map shall be accompanied by a report from a qualified professional that includes a description of the critical area and a summary of how it meets the definitions in Section 8.0, Definitions. The inventory and cited resources are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new or altered critical areas are identified.

3. Development Standards – Streams

a. All designated streams require a buffer pursuant to Table 4-4. Buffers shall remain as undisturbed or enhanced vegetation areas for the purpose of protecting the integrity, function, and value of stream resources. Any buffer modification proposed shall be through an approved Buffer Enhancement Plan. No uses or activities shall be allowed within the buffer unless allowed by this Section. If the buffer has previously been disturbed, the director may require the disturbed buffer area be enhanced, including revegetation with native plant species, pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall be placed in the buffer.

b. The required minimum buffers listed in Table 4-4 are based on the assumption that the buffer is well vegetated with native species appropriate to the site. If the buffer does not consist of vegetation adequate to provide stream protection and buffer functions, the director may require that the buffer be planted to achieve such protection and function.

Table 4-4. Stream Buffers

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

c. Buffer distances shall be measured from the ordinary high water mark (OHWM) or from the top of each bank where the OHWM cannot be identified.

d. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flow, or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined to include the entire stream feature.

e. Streams in Ravines - Buffers. For streams in ravines outside the Mixed Use Town Center with ravine sides 10 feet or greater in height, the buffer width shall be the greater of:

i. The buffer width required for the stream type; or
ii. A buffer width which extends 25 feet beyond the top of the ravine.

f. Increased buffer provisions. The director may increase buffer widths, up to 50 percent greater than the applicable buffer set in this section for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

g. Structure or hard surface setback. A structure or hard surface setback line of fifteen feet is required from the edge of any stream buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls, fences and patios, may be permitted if the department determines upon review of an analysis of buffer functions submitted by the applicant, that construction and/or maintenance of such intrusions will not encroach into the stream buffer or adversely impact the stream. The functional analysis shall include a functional methodology

supported by best available science. The setback shall be identified on a site plan and filed as an attachment to the notice on title as required by Section 4.1.5.6 (Notice on Title).

h. Buffer Modification. Modification to buffer widths may be allowed provided the applicant demonstrates the need for modification through mitigation sequencing pursuant to Section 4.1.2.6.

i. Buffer Width Averaging. The width of a required buffer may be averaged if the applicant can demonstrate that averaging can provide equal or greater functions and values as would be provided under the required buffer and all of the following conditions are met:

A. The total area of buffer after averaging is equal to the area required without averaging.
B. Averaging does not result in the any portion of the buffer being reduced more than 25 percent of its required width.

ii. Any request for buffer modification outlined above shall be reviewed in conjunction with the underlying land use or construction permit. Requests for buffer reduction shall include a buffer enhancement plan prepared by a qualified consultant that meets the requirements of Section 8.0, Definitions.
iii. The city may request technical review of a buffer enhancement plan from other agencies to ensure consistency with state, federal or tribal management recommendations.
iv. Any other buffer modification, other than non-compensatory enhancement, requires a shoreline variance.

9. Development Standards – Other Fish and Wildlife Habitat Conservation Areas

a. All development, uses and activities within known fish and wildlife habitat conservation areas require submittal and approval of a Habitat Management Plan (HMP) as specified in Section 4.1.5.14, Critical area reports. The HMP shall consider measures to retain and protect the fish and wildlife habitat and shall consider the effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of existing native vegetation.

b. In the case of bald eagles, the HMP shall comply with the federal Bald and Golden Eagle Protection Act (16 USC 668) to avoid impacting eagles and their habitat.

10. Standards for specific development, uses and activities. The following development, uses and activities may be allowed within fish and wildlife habitat conservation areas and their buffers.

Any proposal for the following development shall comply with the standards of this Section, other applicable sections of this Program, and other applicable state, federal and local regulations. The director may require submittal of a Habitat Management Plan unless project impacts are demonstrated to be de minimis through mitigation sequencing pursuant to Section 4.1.2.6.

a. Stream Crossings. Any private or public road or driveway expansion or construction proposed to cross streams classified within this section shall comply with the following minimum development standards. All other state and local regulations regarding water crossing structures shall apply, and the use of the *Water Crossing Design Guidelines* (WDFW, 2013), or as amended, is encouraged.

i. Bridges or bottomless culverts shall be required for all Type F streams. Other alternatives may be allowed upon (i) submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife conservation area and (ii) as determined through the Hydraulic Project Approval (HPA) process administered by the Washington Department of Fish and Wildlife. The plan must demonstrate that fish habitat will not be reduced in area or function.

ii. Crossings shall not occur in fish-bearing streams unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with Washington Department of Fish and Wildlife;

iii. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

iv. Crossings shall not diminish flood carrying capacity;

v. Crossings shall serve multiple properties whenever possible;

vi. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

b. Stream Relocations. Stream relocations may be allowed only for the purpose of flood protection and/or fisheries restoration and only when consistent with a Washington Department of Fish and Wildlife Hydraulic Project Approval (HPA) process and the following minimum performance standards:

vii. The channel, bank, and buffer areas are replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;

viii. For those waters designated as Frequently Flooded Areas pursuant to BIMC 15.16, a professional engineer licensed in the State of Washington provides information demonstrating that the equivalent base flood storage volume and function will be maintained; and

ix. Relocated stream channels are designed to meet or exceed the functions and values of the stream to be relocated.

c. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife conservation area or their buffers, except those approved by the U.S. Environmental Protection Agency (EPA) and approved under a Washington Department of Ecology Water Quality Modification Permit for use in fish and wildlife conservation area environments and applied by a licensed applicator in accordance with the safe application practices on the label.

d. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:

i. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.
ii. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.
iii. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this section, including buffer requirements for fish and wildlife habitat conservation areas. Each lot must also have access and a sewage disposal system location that are suitable for development that do not adversely impact the fish and wildlife conservation area.
iv. After preliminary approval and prior to final land division approval, the director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the director to provide adequate protection to the aquatic buffer.

e. Utilities. Placement of utilities within designated fish and wildlife conservation area may be allowed pursuant to the following standards:

i. Construction of utilities may be permitted in fish and wildlife conservation area or their buffers, only when no practicable or reasonable alternative location is available and the utility meets the requirements for installation, replacement of vegetation and maintenance outlined below.
ii. Sewer or on-site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in fish and wildlife conservation area or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available;

and construction meets the requirement of this Section. Joint use of the sewer utility may be allowed.

iii. New utilities shall not be allowed in fish and wildlife conservation area with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidates except in those circumstances where an approved Habitat Management Plan indicates that the utility will not significantly impact the conservation area;

iv. New Utility Construction. Utility construction and maintenance shall protect the environment of fish and wildlife conservation area and their buffers.

A. New utilities shall be aligned whenever possible to avoid cutting or root damage to trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

B. Any area of disturbance shall be revegetated with appropriate native or equivalent vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility or landowner responsible for installation shall ensure that such vegetation survives.

C. Any additional access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the conservation area.

v. Utility maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas.

A. Utility towers shall not be sandblasted or spray-painted. Lead-based paint is prohibited.

B. Pesticides, fertilizers and herbicides: No pesticides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers, except those applied by a licensed applicator in accordance with the safe application practices on the label.

f. Bank Stabilization.

i. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property,

and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control, and improved water quality.

ii. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Structural methods, or hard stabilization, may only be utilized where it can be demonstrated by a professional engineer licensed in the State of Washington that an existing primary residential structure or essential public facility cannot be safely maintained without such measures, and that the resulting hard stabilization is the minimum length necessary to provide a stable building area for the structure. The director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.

iii. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.

g. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the director to provide adequate protection ~~to~~ for the buffer.

h. Forest Practice, Class IV General and Conversion Option Harvest Plans (COHPs). All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, and the Stormwater Management standards in Chapters 15.20 and 15.21 BIMC, including the maintenance of buffers, where required.

i. Road/Street Repair and Construction. Any private or public road or street expansion or construction which may be allowed in a Fish and Wildlife Habitat Conservation Area or its buffer shall comply with the following minimum development standards:

i. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

ii. Expansion or construction of any private or public road shall only be allowed when adverse impacts can be avoided;

iii. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and

iv. The road or street construction is the minimum necessary, as required by the Department of Public Works, and shall comply with the Department of Public Works' guidelines to provide public safety and mitigated stormwater impacts.

v. Construction time limits shall be determined in consultation with Washington Department of Fish and Wildlife in order to ensure habitat protection.

4.1.5.~~7~~11 Regulations – Geologically Hazardous Areas

~~1. All new development and new uses within the jurisdiction of this Master Program shall comply with regulations for Geologically Hazardous Areas as set forth in the shoreline-specific Critical Areas Regulations contained in Section B-9 of Appendix B of this Master Program.~~

~~2. Additional standards for marine bluffs (i.e., slopes greater than 40 percent that exceed a vertical height of 10 feet within the marine shorelines jurisdiction) are provided in section 4.1.5.8, Special Reports and Determination of Buffers, and 4.1.5.9, Regulations – Bluff Drainage, below.~~

1. Applicability. This section applies to all geologically hazardous areas classified pursuant to SMP 4.1.5.10.2.

2. Classification.

   a. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas (including fault and liquefaction hazard areas). Zone of influence areas are not considered geologically hazardous areas.

   b. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.

3. Review procedures. Applications for proposed activities in geologically hazardous areas shall include:

   a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas, except erosion hazard areas and landslide hazard area setbacks. The form of the agreement shall be approved by the city and executed prior to the commencement of construction or any land disturbing activity.
   b. Notice. A notice of intent to construct on a landslide hazard area or reduce the standard setback in a landslide hazard area shall be given pursuant to BIMC 2.16.020.H.2. The notice of intent shall be issued within 14 days of a complete application pursuant to BIMC 2.16.020.K. The notice shall include a 21-day comment period and no permits or approval of reduced setbacks shall be issued before the end of the comment period.

c. Geological Hazards Assessment. A geological hazards assessment is required for all projects in geologically hazardous areas and landslide hazard area setbacks in accordance with Section 4.1.5.14, Critical area reports. To protect public health, safety and welfare, the director may require third party review of any geological hazards assessment or geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third-party review is required, costs incurred for a qualified third party geologist or geotechnical engineer to perform the review shall be borne by the applicant.

4. Regulations – Development Standards – General. The following development standards apply to all activities within any geologically hazardous area or associated landslide hazard area setback:

a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:

i. The subject parcel shall not be less stable after the planned development than before; and
ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.

b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;
ii. Risk to any off-site structures or property of any kind; and

d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve a high standard of safety and meet professional practice standards and codes.

e. The proposed activity shall not further degrade the values and functions of the associated critical areas.

f. Unless allowed pursuant to Section 4.1.2 or Section 4.1.3 or as part of an approved building permit, removal of vegetation from an erosion or landslide hazard area or setback is prohibited.

5. Development Standards -- Landslide Hazard Areas. The following requirements shall apply to any land disturbing activity or construction within a landslide hazard area or its setback as described herein:

   a. Prohibited activities. Development of habitable structures and critical facilities is prohibited in landslide hazard areas and landslide hazard area setbacks.

   b. Allowed activities. The following minor development may be allowed in landslide hazard areas on slopes forty (40) percent or greater and landslide hazard area setbacks if the development standards of this Section are met:

      i. Surface water management, including outfalls
      ii. Septic facilities, including drainfields
      iii. Trails and stairs
      iv. Cable lifts and trams
      v. Public or private utilities or streets
      vi. Seismic or other safety upgrades to protect existing habitable structures
      vii. Other non-habitable structures

   c. Any land disturbing activity or construction within a landslide hazard area or its setback shall meet the following requirements:

      i. All development proposals shall be designed to avoid impacts to geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;
      ii. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;
      iii. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;
      iv. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;
      v. Cut and fill slopes shall be prepared and maintained to control against erosion and instability; and
      vi. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, add examples to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts.

   d. Factors of safety. Factors of safety in accordance with Table 4-5 are required. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the

probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.

Table 4-5. Factors of safety and standard setbacks

Structure, use or activity	Static factor of safety	Dynamic (seismic) factor of safety	Standard setback
Habitable structure	1.5	1.0	Top of slope: Height of slope up to maximum of 75 feet Bottom of slope: Height of slope
High-risk non-habitable structure	1.3	As determined by geological hazards assessment.	Top of slope: Height of slope up to maximum of 75 feet Bottom of slope: Height of slope
Lower-risk non-habitable structures	As determined by geological hazards assessment.	As determined by geological hazards assessment.	Height of slope up to 75 feet.
Other structure or use	As determined by geological hazards assessment.	As determined by geological hazards assessment.	Height of slope up to 75 feet.
Tree and vegetation activities in accordance with Section 4.1.3	n/a	n/a	25 feet only from top of slope.

e. Setback requirement. Setbacks from landslide hazard areas are required. A setback shall be established from all edges of a landslide hazard area as follows:

i. A standard setback in accordance with Table 4-5; or
ii. A setback established by the findings of a geological hazards assessment prepared by a licensed geologist or geotechnical engineer that protects and minimizes the risk of property damage, death or injury resulting from a potential landslide impact. The geological hazards assessment shall require a third-party independent review by a qualified geologist or geotechnical engineer at the cost to the applicant;
iii. A setback less than 20 feet is prohibited for habitable structures;
iv. The setback for tree and vegetation activities in accordance with Section 4.1.3 is 25 feet only from the top of slope.
v. No setback is required for slopes forty (40) percent or greater with a vertical elevation change of up to twenty (20) feet, if compliance with development standards in Section 4.1.5.10.4 and 5 is documented by a geotechnical engineer licensed in the State of Washington;
vi. The setback may be increased beyond that specified in subsection (a) above if the director determines a larger setback is necessary to prevent risk of damage to proposed adjacent development and the associated critical areas.

f. For the purposes of establishing the factors of safety and setback using Table 4-5, the following categories shall apply:

i. Habitable structure: residences, accessory dwelling units, garages;
ii. High-risk non-habitable structure: decks, patios, pool/hot tub, driveways, trams, cable lifts, carports;
iii. Lower-risk habitable structure: storage shed, boathouse, stairs, pathways, structures intended for short-term use;
iv. Other structures or uses: septic facilities including drainfields, drainage outfalls, bulkheads, landscape walls, other utilities; and
v. If a proposed structure, use or activity is not included in Section 4.1.5.10.5.f, the category shall be determined by the City Engineer.

g. Zone of influence. A zone of influence shall be established 300 feet upslope from slopes greater than 40 percent and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas to assess changes in land use and hydrology that may affect the stability of the geologically hazardous area.

i. The applicant shall have the stormwater pollution prevention plan (erosion control plan) for the project reviewed by a geotechnical engineer to determine if there are any potentially adverse impacts to the landslide hazardous area. The report shall contain

recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specifically recommended in the report and authorized by the City Engineer.

ii. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section.

h. Field marking requirements. Proposed clearing and work limit lines and landslide hazard setbacks shall be marked in the field for inspection and approval by the city prior to start of any land disturbing activity. Field marking shall remain in place until construction is completed and final inspection is completed by the city.

~~4.1.5.8 Special Reports and Determination of Buffers~~

~~1. Applicants proposing development adjacent to a marine bluff shall submit a geotechnical engineering report prepared in accordance with the requirements of this Master Program and the shoreline-specific Critical Areas regulations contained in Appendix B. In terms of this regulation, "adjacent" means development proposed either within 50 feet from the crest of a marine bluff or within a distance equal to the height of the slope from the crest (measured from the top), whichever is greater.~~

~~2. The geotechnical engineering report shall be prepared by a Washington State licensed professional civil engineer with a specialty in geotechnical engineering or an engineering geologist with a Washington State specialty license in engineering geology as specified in RCW 18.220, Geologists. The report shall be based upon the most appropriate and current science, existing and proposed uses, risks of slope failure, and coastal erosion rates over at least 100 years, if applicable.~~

~~3. All proposed development on the face of a marine bluff or in the required buffer area shall be prohibited, except:~~

~~a. Development may be allowed as specified in Appendix B; Subsection B-9(E)(3)(a)(i)(F) of this Master Program;~~

~~b. Minor development for public access (e.g., public trails, stairs, or view points) may be allowed, provided that environmental impacts are mitigated and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1); and~~

~~c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks except at the toe of unstabilized feeder bluffs and the development can meet the factor of safety in Appendix B; subsection B-9(E)(1).~~

~~4. All alterations to the vegetation within a geological hazardous area shall provide a Bluff Management Plan developed by qualified professional(s) to address vegetation management for slope stability and ecological functions and processes for a ten year period. The plan at a minimum shall include:~~

~~a. A geotechnical analysis of slope stability as defined in B-9, Geologically Hazardous Areas of Appendix B.~~

~~b. A site plan showing existing vegetation location and species.~~

~~c. An analysis of identified vegetation appropriate for removal or alteration.~~

~~d. An analysis of vegetation management strategies for slope stability.~~

~~e. A mitigation plan developed according to Section 4.1.2, Environmental Impacts and Section 4.1.3, Vegetation Management.~~

~~f. The Administrator may include additional conditions for a site-specific analysis and require a third party review by a qualified professional at the cost of the applicant.~~

4.1.5.~~9~~12 Regulations – Bluff Drainage

1. Surface drainage shall be directed away from landslide hazard areas ~~marine bluffs~~. When no other solution is feasible, surface drainage piping may be located on the face of a steep slope when contained in a tight line (closed, non-leaking pipe) and in such a way that erosion will not be increase at the base of the bluff and provided that physical access along the shoreline is not degraded. Furthermore, conditions may be applied to mitigate the aesthetic impacts of the proposed drainage systems as viewed from public areas.

4.1.5.1~~0~~13

Regulations – Wetlands

1. Applicability. This section applies to:

   a. All wetlands designated pursuant to Section 4.1.5.12.2.
   b. All wetland buffers as shown in the tables in Section 4.1.5.12.8.

2. Identification and designation.

a. Identification of wetlands and delineation of their boundaries pursuant to this section shall be done in accordance with the federal wetland delineation manual and applicable regional supplements (as updated), as required by WAC 173-22-035. All areas within the city meeting the wetland designation criteria, regardless of any formal delineation, are hereby designated as wetlands and are subject to provisions of this section unless not included in the definition of wetland provided in Section 8.0, Definitions.

b. Wetland delineations shall be conducted by a qualified professional, in accordance with Section 4.1.5.6.4.

c. The wetland boundary shall be marked in the field and surveyed by a licensed surveyor. The surveyed wetlands shall be sized and mapped on a scaled site plan. The director may require the wetland delineation to be verified in the field by the Army Corps of Engineers or the Washington State Department of Ecology when there is uncertainty in the wetland boundary or there was unauthorized wetland disturbance. The requirement for a licensed surveyor to survey the wetland boundaries may be waived in limited circumstances, such as when there is no access to the wetland property or there is no proposed impact to the wetland and wetland buffer, with authorization from the director.

d. Wetland delineations shall be valid for five years from the date of the delineation.

e. A wetland delineation shall be required for any proposed development within 300 feet of a designated wetland. If any portion of the designated wetland is on a different site than the proposed development, the location of the wetland boundary may be determined using best professional judgement.

3. Wetland Categories. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington – 2014 Update (Ecology Publication No. 14-06-029, October 2014), as revised. The wetland categories determined by the rating are as follows:

a. Category I wetlands are:

i. Relatively undisturbed estuarine wetlands larger than one acre;
ii. Wetlands that are, or may be in the future, identified by scientists of the Washington Natural Heritage Program/Department of Natural Resources as wetlands of high conservation value;
iii. Bogs;
iv. Mature forested wetlands larger than one acre;

v. Wetlands in coastal lagoons; and

vi. Wetlands that perform many functions well and score 23 points or more in the wetland rating. These wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, or are relatively undisturbed and contain ecological attributes that are impossible to replace within one human lifetime.

b. Category II wetlands are:

i. Wetlands with a moderately high level of functions and score 20 to 22 points in the wetland rating.

ii. Estuarine wetlands smaller than one acre or disturbed estuarine wetlands larger than one acre.

c. Category III wetlands are:

i. Wetlands with a moderate level of functions and score between 16 to 19 points in the wetland rating.

d. Category IV wetlands are:

i. Wetlands with a low level of functions, scoring less than 16 points in the wetland rating.

e. Date of Wetland Rating. The wetland rating categories in this Section shall be applied to wetland studies including but not limited to delineations, on or after the date of adoption of the ordinance codified in this section. The wetland rating shall be valid for five years unless the state rating system changes or the wetland and/or the wetland buffer have been altered since the rating.

f. A wetland rating pursuant to Section 4.1.5.12.3 shall be required for any proposed development within 300 feet of a designated wetland. If any portion of the designated wetland is on a different site than the proposed development, the rating may be determined using best professional judgement.

g. Illegal modifications. Wetland rating categories shall not change due to illegal modifications.

4.

Mapping

The location and extent of all mapped critical areas shown on the City of Bainbridge Island critical area maps are approximate and shall be used as a general guide only. The type, extent and boundaries shall be determined in the field by a qualified professional according to the requirements of this section. The critical area maps are adopted as part of this section and are incorporated herein by this reference. In addition, the National Wetlands Inventory and Soil Maps produced by the U.S. Department of Agriculture, National Resources Conservation Service may be useful in helping to identify potential wetland areas. The inventory and cited resources are to be used as a guide for the city, project applicants, and property owners, and may be continuously updated as new or altered critical areas are identified.

5.

Protection of Wetlands

a. Any action taken pursuant to this section shall result in equivalent or greater functions and values of the wetlands and wetland buffers associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with mitigation sequencing as described in Section 4.1.6 and WAC 197-11-768.

b. Applicants must first demonstrate an inability to avoid or reduce impacts, before compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.

c. Permanent protection of critical areas that are part of an approved mitigation plan or buffer enhancement plan shall be achieved through a Notice to Title recorded at the Kitsap County Auditor's Office, or similar means of protection in perpetuity.

6.

Prohibited activities

a. The following development, uses and activities are prohibited in all wetlands:

i. Draining, excavation, placement of fill material and flooding not associated with an exempt or regulated use
ii. Forest Practices – Class IV General or Conversion Option Harvest Plan
iii. New or expanded agriculture
iv. On-site sewage facility

b. The following development, uses and activities are prohibited in Category I and II wetlands:

i. Fish hatchery
ii. Golf course
iii. Mineral extraction
iv. Public facility
v. Public communications tower
vi. New public road/street
vii. New private access road or driveway
viii. Stormwater retention/detention facility
ix. Primary utility

7. Standards for specific development, uses and activities. The following development, uses and activities may be allowed within wetlands and their required buffers. Any proposal for the following development shall comply with the standards of this Section, other applicable sections of this Program, and other applicable state, federal and local regulations.

a. Road/street repair and construction: Any private or public road or street repair, maintenance, expansion or construction may be allowed within a wetland or its required buffer only when all of the following conditions are met:

i. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;
ii. Publicly owned or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and
iii. The road or street repair and construction are the minimum necessary to provide safe roads and streets.
iv. Mitigation shall be performed in accordance with specific project mitigation plan requirements.

b. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes regulated wetlands shall comply with the procedures and standards listed below. When a parcel contains a wetland, city policy shall always be to primarily protect the functions and values of the wetland, while recognizing the value of the development rights provided to the property by its zoning.

i. Density Calculation

A. The actual density that will allowed to be built upon a parcel containing a wetland shall ultimately be determined during the site specific review of the parcel's planned development.
B. In determining the actual density of a parcel based on a specific site plan, the site plan shall locate all buildings outside of any wetland and its required buffers;
C. The number of development rights allowed for any residentially-zoned parcel shall be its size in square feet divided by the number of square feet per home that is required by its zoning;
D. If the land can be subdivided such that all setbacks, buffers, and other zoning requirements can be observed, and no zoning variances are requested, the density from the wetland, except the area with permanent open water, can be transferred within the property;
E. To the extent that the number of allowable development rights cannot be used on-site, they may be sold, traded, or transferred by the property owner through the transfer of development rights program pursuant to Chapter 18.37 BIMC;
F. Property owners may voluntarily extinguish development rights that are provided by the underlying zoning, but the city shall not extinguish any of these rights outside the aforementioned transactions.

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

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

c. Surface Water Management. Surface water structures or discharges from stormwater facilities may be allowed within wetlands and their required buffers only when the applicant has an approved Site Assessment Review (SAR) pursuant to the requirements of BIMC 15.20 and the proposal meets criteria in Appendix I-D, Guidelines for Wetlands when Managing Stormwater, from Washington State Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in 2014.

d. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches and viewing platforms, are allowed in wetlands or wetland buffers only when the following standards are met:

i. Trails and related facilities shall be placed on existing road grades, utility corridors, or any other previously disturbed areas if present at the site and consistent with trail planning objectives.

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

iii. Viewing platforms and benches, and access to them, shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected wetland. Viewing platforms shall be limited to one hundred (100) square feet in size, unless demonstrated through a wetland critical areas report and mitigation plan that a larger structure will not result in a net loss of wetland functions.

iv. Trail planning shall utilize mitigation sequencing in Section 4.1.2.6.1 to first avoid siting trail and trail-related facilities within wetlands and their required buffers. Trails and trail-related facilities are allowed within wetlands or wetland buffers if there are no reasonable alternatives for meeting an applicant's trail planning objectives and it is demonstrated through a wetland critical areas report and mitigation plan that the proposal will not result in a net loss of wetland functions.

v. Trails shall be limited to non-motorized use. Trail width shall not exceed six feet unless there is a demonstrated need, subject to review and approval by the director. Trails shall be constructed with pervious materials unless otherwise approved by the director.

e. Utilities. Installation of utilities within wetlands or their required buffers may be allowed when the following standards are met:

i. Construction of new utilities outside the road right-of-way or an existing utility corridor may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports required by this section.

ii. Sewer or On-site Sewage Utility. Construction of sewer lines or on-site sewage systems may be permitted in wetland buffers only when:

A. The applicant demonstrates it is necessary to meet state and/or local health code minimum design standards (not requiring a variance for either horizontal setback or vertical separation); and/or

B. There are no other practicable or reasonable alternatives available and construction meets all other applicable requirements of this Section. Joint use of the sewer utility corridor by other utilities may be allowed.

iii. New utilities shall not be allowed when the wetland or buffer has known locations of federal or state listed endangered, threatened, monitored or sensitive species, heron

rookeries or nesting sites of raptors which are listed as species of concern, except in those circumstances where an approved Habitat Management Plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer;

iv. New utility construction and maintenance shall protect the wetland and buffer environment by utilizing the following methods:

A. New utilities shall be aligned to avoid tree removal to the greatest extent practicable.
B. Any area of disturbance resulting from installation of a utility shall be revegetated with appropriate native or equivalent vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility or landowner responsible for installation shall ensure that such vegetation survives.
C. Any access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.
D. The director may require additional mitigation measures.
E. Utility maintenance shall include the following measures to protect the wetland and buffer environment:

1. Painting of utility equipment such as power towers shall not be sprayed or sandblasted. Lead-based paints are prohibited.
2. No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the U.S. Environmental Protection Agency (EPA) and Washington Department of Ecology and applied by a licensed applicator in accordance with the safe application practices on the label.

f. Parks. Development of public park and recreation facilities may be allowed; provided, that no alteration of wetlands or wetland buffers is allowed except as allowed in Section 4.1.5.6 (Allowed Activities within Critical Areas) and Section 4.1.5.12.7 (Allowed Activities within Wetlands).

8.

Wetland Buffers

a. Buffers shall remain as undisturbed or enhanced vegetation areas for the purpose of protecting the integrity, function, and value of wetland resources. Any buffer

modification proposed shall be through an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No uses or activities shall be allowed within the buffer unless allowed by this Section. If a buffer on a site subject to land use review or a building permit application has previously been disturbed, the director may require the disturbed buffer area be enhanced, including revegetation with native plant species, pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. No refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall be placed in the buffer.

b. All regulated wetlands shall be surrounded by a buffer, based upon *Appendix 8-C, Section 8C.2.3 of Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #05-06-008), as amended. Standard buffer widths are shown in Tables 1 through 4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.

c. Standard buffer widths are based on impact of land use, which is categorized as follows:

   i. High impact land use includes commercial development, industrial development, institutional development, residential (all residential zoning classifications other than R-0.4, R-1 and R-2) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), forestry activities, and high-intensity recreation such as golf courses and ballfields.
   ii. Moderate impact land use includes residential development (R.0-4, R-1 and R-2 residential zoning classifications), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and construction of temporary logging roads.
   iii. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.

d. The required minimum buffers listed in Tables 4-6 through 4-9 are based on the assumption that the buffer is well vegetated with native species appropriate to the site. If the buffer does not consist of vegetation adequate to provide wetland protection and buffer functions, the director may require that the buffer be planted to achieve such protection and function.

Table 4-6: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Natural Heritage Wetlands	Low Moderate High	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Bogs	Low Moderate High	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.
Forested	Low Moderate High	125 ft 190 ft 250 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	100 ft 150 ft 200 ft	N/A
Wetlands in Coastal Lagoon	Low Moderate High	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 8-9 pts.)	Low Moderate High	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality pts.; habitat less than 5 pts.)	Low Moderate High	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	N/A

Table 4-7: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
High level of function for habitat (score for habitat is -9 pts.)	Low Moderate High	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.

Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	N/A

Table 4-8: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
Moderate level of function for habitat (score for habitat is 5-7pts.)	Low Moderate High	75 ft 110 ft 150 ft	N/A
Not meeting above criterion	Low Moderate High	40 ft 60 ft 80 ft	N/A

Table 4-9: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use	Buffer Width	Other Protection
All	Low Moderate High	25 ft 40 ft 50 ft	N/A

9. Buffer Measurement. All buffers shall be measured on a horizontal plane from the delineated wetland edge as marked in the field a qualified professional.

10. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

    a. Wetland buffers shall be temporarily fenced or otherwise suitably marked between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers

by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.

b. The director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

11. Structure or hard surface setback. A structure or hard surface setback line of fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls, fences and patios, may be permitted if the department determines upon review of an analysis of buffer functions submitted by the applicant, that construction and/or maintenance of such intrusions will not encroach into the wetland buffer or adversely impact the wetland. The functional analysis shall include a functional methodology supported by best available science. The setback shall be identified on a site plan and filed as an attachment to the notice on title as required by Section 16.20.070 (Notice on Title).

12. Buffer Modification. Modifications to buffer widths may be allowed provided the applicant demonstrates the need for modification through mitigation sequencing pursuant to Section 4.1.2.6.

a. Buffer Width Averaging. The width of a required buffer may be averaged if the applicant can demonstrate that averaging can provide equal or greater functions and values as would be provided under the required buffer and all of the following conditions are met:

i. The total area of buffer after averaging is equal to the area required without averaging.

ii. Averaging cannot result in the any portion of the buffer being reduced more than 25 percent of its required width.

b. The required buffer widths for proposed land uses with high-intensity impacts to wetlands may be reduced to those required for moderate-intensity impacts under the following conditions:

i. For wetlands that score moderate or high for habitat (5 points or more for the habitat function), the width of the buffer may be reduced if both of the following criteria are met:

ii. A relatively undisturbed, vegetated corridor at least 100-feet wide is provided if the wetland contains any priority habitats as defined by the Washington

Department of Fish and Wildlife. "Relatively undisturbed" and "vegetated corridor" are defined in the Western Washington Wetland Rating System. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection, such as a Notice to Title.

iii. Measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 5, are applied.

iv. For wetlands that score less than 5 points for habitat, the buffer width may be reduced to that required for moderate land use impacts by applying measures to minimize the impacts of different land uses on wetlands, such as the examples in Table 4-10.

c. Any request for buffer modification outlined above shall be reviewed in conjunction with the underlying land use or construction permit. Requests for buffer averaging or buffer reduction shall include a Buffer Enhancement Plan prepared by a qualified professional that meets the requirements of Section 4.1.5.14. Buffer enhancement plans shall be reviewed pursuant to the criteria in Section 4.1.5.6.

d. Any other buffer modification resulting in a reduced buffer area, other than non-compensatory enhancement, requires a shoreline variance.

Table 4-10: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	• Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	• Locate activity that generates noise away from wetland. • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. • For activities that generate relatively continuous, potentially disruptive noise, such as heavy industry or manufacturing, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.	Manufacturing, residential

Toxic runoff*	• Route all new runoff away from wetland. • Establish covenants limiting use of pesticides within 150 feet of wetland. • Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development. • Prevent channelized flow from lawns that directly enters the buffer. • Use Low Impact Development techniques consistent with BIMC 15.20.	Parking lots, roads, manufacturing, residential areas, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling
Pets and human disturbance	• Plant buffer with dense, impenetrable native vegetation appropriate for region. • Install low impact fencing at buffer perimeter. • Place wetland and its buffer in separate open space tract or protect with conservation easement.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

13. Wetland mitigation requirements

a. Mitigation sequencing. All development, uses and activities proposed to impact wetlands shall be mitigated according to this Section and the mitigation sequencing steps outlined in Section 4.1.2.6. The applicant shall demonstrate to the satisfaction of the director that each step of mitigation sequencing has been adequately addressed prior to approval of impacts to wetlands.

b. Compensatory mitigation shall be required for development, uses or activities that result in the loss of wetland acreage or in the reduction of wetland functions or values.

c. Mitigation report. Where mitigation is required under the sequencing in subsection (1), a mitigation plan is a required component of a critical areas report meeting the requirements in Section 4.1.5.14, Critical area reports.

d. Wetland replacement

i. The ratios shown in Table 4-11 shall be used to determine the required amount of wetland mitigation. The first number specifies the amount of wetland area to be restored, rehabilitated, created or enhanced, and the second number specifies the amount of wetland area lost. The director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

ii. Mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, March 2012), or as revised) consistent with Table 4-11.

Table 4-11: Replacement Ratios for Wetlands

Category and Type	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
I – Mature Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
I – Based on functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
I – Bog or Natural Heritage Site	Not considered possible	6:1	Case by Case	Case by Case
II	3:1	6:1	1:1 R/C and 4:1 E	12:1
III	2:1	4:1	1:1 R/C and 2:1 E	8:1
IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

e. Approaches to compensatory mitigation.

i. Compensatory mitigation may occur at the site of the allowed impacts or at an off-site location. Considerations for determining whether off-site mitigation is preferable include, but are not limited to one or more of the following:

A. On-site conditions do not favor mitigation success due to soil conditions, hydrology or adverse impacts of adjacent land uses;
B. On-site conditions are isolated from other aquatic or riparian habitats;
C. An off-site location is beneficial to larger ecosystem or watershed functions;
D. An off-site location has greater likelihood of success or will provide greater functional benefits;
E. The proposal for an off-site location uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, December 2009).

ii. Off-site compensatory mitigation may include the use of a wetland mitigation bank or an in-lieu fee program, if such instruments are available within the city limits.

iii. Advanced mitigation. Compensatory mitigation in advance of proposed impacts may be allowed on a case-by-case basis for projects with pre-identified impacts consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation (Ecology Publication #12-06-015, December 2012).

~~1. All development, development proposals and alterations that are located within or adjacent to shoreline jurisdictional wetlands or their buffers, or that are likely to significantly impact shoreline jurisdictional wetlands shall prepare a wetland analysis pursuant to Subsection B-4.7 10 of Appendix B, of this Master Program. The wetland analysis shall include the wetland rating (using the Washington State Wetland Rating System for Western Washington (2006) or as revised by Ecology), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and noting of any water features and other critical areas and their related buffers in the proximity of the proposed development.~~

~~2. Wetlands will be delineated using the Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region or the current Washington State Department of Ecology methodology. The wetland buffer for shoreline wetlands shall be established pursuant to the provisions of Subsection B-10 in Appendix B of this Master Program.~~

~~3. Alteration of wetlands and their buffers is prohibited, unless:~~

a. Such a prohibition is deemed a violation of constitutional or statutory limitations on regulations of private property; or

b. The proponent can conclusively demonstrate to the satisfaction of the Administrator that the impacts are unavoidable.

4. In either case of subsection 3.a or 3.b, above, the proponent shall provide mitigation to achieve no net loss of wetland functions and values, according to an approved mitigation plan prepared consistent with this Master Program, including Section B-4 and B-6 of Appendix B, shoreline-specific Critical Areas Regulations.

4.1.5.14 The Winslow Ravine – Special Rules in Mixed Use Town Center

A portion of the "Winslow Ravine" which contains a ravine, a Type F stream, and several wetlands, is located in the Mixed Use Town Center (MUTC) zoning designation. In order to accommodate more dense development within the MUTC, and recognizing the significant distance from the top of the ravine to the stream and its adjacent wetlands, in lieu of the buffer and setback rules provided for streams (Section 4.1.5.10) and wetlands (Section 4.1.5.12), an applicant may select the prescriptive option or the mitigated option with respect to the Winslow Ravine within the MUTC as described below:

Table 4-12. "Option A" - Prescriptive Standards

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM STRUCTURE AND HARD SURFACE SETBACK	OTHER DEVELOPMENT STANDARDS
Streams and wetlands associated with the Winslow Ravine within the MUTC	50 feet measured from the top of the Winslow Ravine	15 feet beyond the buffer	No development, uses or activities are allowed within the buffer. Refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall not be located in the buffer and shall be removed if present.

Table 4-13. "Option B" - Mitigated Standards. The applicant shall demonstrate by submittal of necessary studies and proposed mitigation, that measures can and will be taken to ensure that the functions and values provided by the buffers prescribed under "Option A" are retained or improved.

CATEGORIES	BUFFER WIDTH STANDARD	MINIMUM STRUCTURE AND HARD SURFACE SETBACK	OTHER DEVELOPMENT STANDARDS
Streams and wetlands associated with the Winslow Ravine within the MUTC	25 feet measured from the top of the Winslow Ravine	15 feet beyond the buffer	No development, uses or activities are allowed within the buffer other than for public access meeting the standards in Section 5.8. If the buffer has previously been disturbed, the disturbed buffer area shall be revegetated pursuant to an approved Buffer Enhancement Plan meeting the requirements of Section 4.1.5.14. Refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall not be located in the buffer and shall be removed if present.

4.1.5.15 Critical area reports

A. Aquifer recharge areas hydrogeological site assessment.

1. The hydrogeological site assessment shall include:

   a. A site map drawn to scale which indicates the location of known or geologically representative wells (abandoned and active), springs, and surface water features within 1,000 feet of the project property boundary;
   b. A description of the site-specific hydrogeological characteristics. At a minimum this will include a description of the lithology, depth and static water level of known underlying aquifer(s) and depiction of groundwater flow direction and patterns on the site map;
   c. A description of the proposed land use and activities specifically detailing water consumption; an inventory of all chemical use, storage, transportation, production (including process wastewater), and disposal; and any potential pollutant identified by the U.S. EPA as a potential source of drinking water contamination (Appendix A of

the Washington State Critical Aquifer Recharge Area Guidance Document) or known to be deleterious to the environment or human health; and

d. A general discussion of surface and groundwater quality and quantity in the area and the identification of the potential adverse quality and quantity impacts to groundwater and surface water features within 1,000 feet of the project.

2. In-depth Site Assessment Elements. The required elements of the in-depth site assessment for a given development or re-development will be based on the initial site assessment review by the city, the Kitsap Public Health District, affected Tribes, and affected public water purveyors.

One or more of the elements listed below may be required based upon the proposed project activity, complexity of underlying hydrogeological conditions, and the perceived potential to adversely impact groundwater or surface water quality or quantity. One or more of these elements may also be required if the applicant chooses to demonstrate that mitigation measures are not necessary to protect the quantity or quality of groundwater or surface water or that the project does not pose a risk of detriment to groundwater or surface water. Additional in-depth site assessment elements may include:

a. Lithologic characteristics and stratigraphic relationships of the affected aquifer(s) and overlying geologic units and soil types including thickness, horizontal and vertical extent, permeability, and infiltration rates of surface soils.
b. Delineation of identified structural features such as faults, fractures, and fissures.
c. Aquifer characteristics including determination of recharge and discharge areas, transmissivity, storage coefficient, hydraulic conductivity, porosity, and estimate of groundwater flow direction, velocity and patterns for the affected aquifer(s).
d. Estimate of precipitation and evapotranspiration rates for the project area.
e. Preparation of appropriate hydrogeological cross sections depicting underlying lithology and stratigraphy, aquifer(s), and potential or probable contaminant pathways to both surface and groundwater from a chemical release.
f. Determination of background or existing groundwater quality underlying the project area and water quality of surface water bodies.
g. Contaminant fate and transport including probable migration pathways and travel time of potential contaminant release(s) from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s) with consideration to advection, dispersion, and diffusion of contaminants in the groundwater.
h. Delineation of areas potentially affected by contaminant migration on the ground surface and/or through potentially affected aquifer(s).
i. Determination of the degree of continuity between groundwater and nearby surface water including potential impacts to baseflow in streams from proposed groundwater

withdrawals, and potential impacts to surface water quality from site runoff or contaminated groundwater discharge.

j. Assessment of the potential for pumping-induced seawater intrusion.

k. Nitrate Loading Assessment. For projects that have the potential to adversely impact groundwater quality by nitrate loading, the applicant shall test existing wells and/or required test wells for nitrate as nitrogen and calculate the current and projected future groundwater nitrate concentrations at full project build-out, at appropriate point(s) of compliance, as determined by project characteristics, and in a methodology approved by the city. If the calculated nitrate loading in the intended water supply equals or exceeds 5 milligrams per liter nitrate as nitrogen, the applicant shall develop a mitigation plan with the point(s) of compliance determined based on project characteristics.

l. Multiple-stage (or phased) development must consider impacts of the total build-out of the project to allow for an assessment of the cumulative impacts of the entire development on critical aquifer recharge areas.

B. Aquifer Recharge Mitigation Plan.

For proposals requiring aquifer recharge area impact mitigations, the applicant shall develop for approval by the city a mitigation plan for the proposed development. Affected public water purveyors (Group A & B), affected Tribes, and the Kitsap Public Health District will be notified and invited to comment on all mitigation plans. The city will consider all recommendations submitted by these entities when developing appropriate permit conditions.

The city may, based on performance criteria and monitoring results, require additional amendments to the plan. The city reserves the right to submit mitigation plans for a third-party review at the applicant's expense and to reject any proposed land use or activity that poses significant risk to groundwater or surface water quality or quantity that cannot be satisfactorily mitigated.

1. The mitigation plan shall contain the project's permit conditions and, as applicable:

a. A description of the mitigation measures to be taken, how they will be implemented, and performance criteria.

b. A groundwater and surface water monitoring program to measure potential impacts of the development to underlying aquifer(s) and surface water. The monitoring plan will describe monitoring, maintenance, and reporting requirements.

c. A contingency plan describing spill response and corrective actions to be taken if a release of a pollutant occurs or monitoring results indicate that mitigation measures are not effectively protecting groundwater and surface water resources and human health. The city shall have the authority to impose additional required corrective actions where such measures are necessary to protect groundwater and surface water

resources or human health. Where appropriate contingencies are not feasible and result in an activity posing unacceptable risk to groundwater or surface water resources or human health, the city shall deny the proposal.

d. Multiple-stage (or phased) development must consider mitigation for each phase of development as well as the total build-out of the project to allow for an assessment of the cumulative impacts of the entire development on critical aquifer recharge areas.

e. Conditions that would arise that warrant ceasing the project operation altogether.

f. Wellhead Protection Mitigation. Where a wellhead protection plan addressing the project area exists, the city shall use the recommendations contained in the wellhead protection plan as a basis for formulating required mitigation measures. In the absence of such a mitigation plan, the city shall contact the owner of the public water system (Group A and B) impacted by the proposed project and jointly develop mitigation measures, a summary of which shall be signed by the applicant and recorded with the applicant's property title.

g. Nitrate Loading Mitigation.

i. General Requirements. If a calculated nitrate loading concentration for a project at the designated point(s) of compliance is equal to or greater than 5 milligrams per liter nitrate as nitrogen, then the applicant shall be required to place a notification on the documents of title for the property affected. A monitoring plan shall be developed to monitor the nitrate level and include a contingency plan to be implemented if the nitrate level exceeds 10 milligrams per liter nitrate as nitrogen.

ii. Land Divisions. If the calculated nitrate loading concentration for a land division at the designated point(s) of compliance is equal to or greater than 5 milligrams per liter nitrate as nitrogen, then the applicant shall:

(A) Develop a mitigation plan to minimize the nitrate loading rate; and

(B) Develop a contingency plan to be implemented if the nitrate concentration exceeds 10 milligrams per liter nitrate as nitrogen; and

(C) Submit the contingency plan with the final plat application. The contingency plan must be approved by the city, and then recorded with the Kitsap County Auditor as part of the final plat. Conditions of the contingency plan shall be listed on the face of the plat.

ii. Mitigation of nitrate in groundwater from on-site septic systems may include decreasing the density of septic system drainfields.

2. Recording of Mitigation Plan Summaries.

a. General Requirements. The city may require that the applicant record a city-approved summary of the mitigation plan on the property title. A copy of the recorded summary shall be provided to the city in hard copy and electronic format. If a property owner

can demonstrate, to the satisfaction of the city, that mitigation measures are no longer necessary, the city shall approve the addition of language on the title for the property nullifying the mitigation requirements.

b. Land Divisions. The mitigation plan must be approved by the city, and then recorded with the Kitsap County Auditor as part of the final plat. Conditions of the mitigation plan shall be listed on the face of the plat.

3. Performance Surety. The director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the Aquifer Recharge Mitigation Plan pursuant to Section 4.1.5.14.

C. Habitat management plan.

1. A habitat management plan (HMP) is a detailed report that outlines and documents the location of fish and wildlife conservation areas, any planned incursions or habitat impacts and a strategy for limiting impacts.

2. HMP review. All HMPs shall be submitted to the Washington State Department of Fish and Wildlife habitat biologist and to the Suquamish Tribe for review and comment within 14 days of a complete application pursuant to BIMC 2.16.030. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP. Within that same time frame, the city's Environmental Technical Advisory Committee shall be asked to review the HMP and provide comments.

3. Map. The HMP shall contain a map prepared at an easily readable scale, showing:

   a. The location of the proposed development site;
   b. Property boundaries;
   c. The relationship of the site to surrounding topographic and aquatic features and any connectivity to other wildlife habitat and corridors;
   d. Proposed building locations;
   e. A legend which includes acreage of the parcel, scale, north arrow, and date of map revision.

4. Report. The HMP shall contain a report that includes:

   a. A description of the nature and intensity of the proposed development
   b. Identification of existing habitat functions and values;
   c. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat features and processes identified for protection;

d. Any review comments received from a habitat biologist from the Washington State Department of Fish and Wildlife, and the Suquamish Tribe and U.S. Fish and Wildlife Service;
e. Demonstration of consistency with current Washington State Department of Fish and Wildlife Habitat Management Recommendations for the applicable habitat or species. If the recommendations are not followed, the HMP report should identify the best available science guidance that is being followed or applied;
f. A description of proposed seasonal activity restrictions in accordance with the Washington State Department of Fish and Wildlife Habitat Management Recommendations;
g. An analysis of the feasibility to maintain wildlife corridors and connectivity, if applicable;
h. A plan identifying proposed measures to mitigate any adverse impacts to wildlife habitats created by the proposed development. Proposed mitigation measures shall be specific to the affected habitat or species; and
i. A schedule for periodic monitoring, and a contingency plan with corrective actions if conservation or mitigation actions do not lead to the desired outcome.

5. HMP adequacy. If there is a disagreement between the director and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife. If the Washington Department of Fish and Wildlife is not available to review the HMP in a timely manner, the applicant may choose to have the city refer the HMP to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the director shall make a final decision on the adequacy of the HMP.

6. Timing. An HMP must be developed and approved prior to issuance of a building permit or underlying land use application and must be implemented before the city grants a certificate of occupancy, as applicable.

7. Performance Surety. The director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section 4.1.2.7.

D. Buffer Enhancement Plan

1. As part of a buffer modification request, the applicant shall submit a buffer enhancement plan that assesses the functions and values of the buffer and the effects of the proposed modification on those functions and values.

2. The buffer enhancement plan shall clearly demonstrate that equal or greater protection of the functions and values of critical areas and their buffers can be achieved through the buffer modification than could be achieved through providing the required buffer using an appropriate function assessment methodology.

3. The buffer enhancement plan shall identify how the applicant proposes to mitigate any adverse impacts to the critical area or buffer created by the proposed development.

4. The buffer enhancement plan shall be prepared in accordance with the applicable requirements of Section 4.1.5.14, Critical areas reports.

E. Geological Hazards Assessment

1. A geological hazards assessment shall contain the following site- and proposal-related information at a minimum:

   a. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

      i. The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;
      ii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
      iii. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and
      iv. Clearing limits.

   b. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

      i. A description of the surface and subsurface geology, including complexes, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
      ii. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific

measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

iii. A description of the vulnerability of the site to seismic and other geologic events.

c. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

d. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard setbacks set forth in Section 4.1.5.10, the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.

e. A review of, and recommendations relating to, the low impact development (LID) infeasibility criteria in the 2014 Stormwater Management Manual for Western Washington, as amended, demonstrating reasonable consideration of all applicable LID practices.

2. Landslide Hazard and Erosion Hazard Areas. In addition to the basic geologic hazards assessment, an assessment for an erosion hazard or landslide hazard area shall include the following information at a minimum:

a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the city prior to the issuance of a building permit.

b. The applicant shall provide a geotechnical analysis containing the following information:

i. Site Plan. The critical area report shall include a copy of the site plan for the proposal showing:

A. The height of slope, slope gradient, and cross-section of the project area;

B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and

C. The location and description of surface water run-off features.

c. Hazards Analysis. The hazards analysis component of the critical areas report shall specifically include:

i. A description of the extent and type of vegetative cover;

ii. A description of subsurface conditions based on data from site-specific explorations;

iii. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
iv. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
v. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
vi. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;
vii. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
viii. Recommendations for building siting limitations; and
ix. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion; and
x. A description of the potential modes of failure.

3. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

a. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
b. Recommendations for drainage and subdrainage improvements;
c. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
d. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

4. Seismic Hazards Areas. In addition basic geologic hazards assessment, an assessment for a seismic hazard area shall also meet the following requirements:

a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the city. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).
c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas.

5. Tsunami Hazards. The city shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.

F. Wetland critical areas report.

A wetland critical areas report shall include, but not necessarily be limited to, the following:

1. A site plan showing the following:

a. Surveyed wetland boundaries based upon a delineation by a wetland specialist or wetland boundaries recorded using a differential global positioning system, based upon a delineation by a wetland specialist.
b. Location of required buffers pursuant to Section 4.1.5.11 or as proposed through buffer modification.
c. Site boundary property lines and roads;
d. Internal property lines, rights-of-way and easements;
e. Existing physical conditions of the site, including buildings, fences and other structures, existing hard surfaces, utilities, etc.
f. Contours at the smallest readily available intervals;
g. Hydrologic mapping showing patterns of surface water movement and known subsurface water movement into, through, and out of the site;
h. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets; and
i. An aerial photograph with overlays displaying the site boundaries and wetland delineation.

2. A report including the following:

a. Vicinity map
b. Location information (parcel number and address)
c. General site conditions including topography, size and surface area of all wetlands identified and water bodies within one-quarter mile of the site
d. Analysis of functional values of existing wetlands
e. Summary of proposed development, use or activities and potential impacts to wetlands

f. Copies of rating forms and maps from the Wetland Rating System for Western Washington – Revised (2014) or as amended.
g. Required buffers pursuant to Section 4.1.5.11.
h. Complete U.S. Army Corps of Engineers wetland determination data forms
i. National Wetland Inventory map
j. Wetland mitigation plan, if compensatory mitigation is required.

G. Wetland mitigation plan.

1. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1 (Ecology Publication #06-06-011b, March 2006), as revised, and, if applicable, Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)(Ecology Publication 09-06-032, December 2009) and meet the following standards:

   a. All critical area restoration, creation and/or enhancement projects required pursuant to this section either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the director. The applicant or violator shall receive written approval of the mitigation plan by the director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.
   b. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.
   c. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the director.

2. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the director):

   a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.
   b. Scaled plot plan(s) indicating:
      i. Proposed construction;
         A. Zoning setback and critical area buffer requirements;
         B. Construction phasing and sequence of construction;

C. Site cross-sections, percent slope, existing and finished grade elevations;
D. Soil and substrate conditions;
E. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling locations and techniques, and source controls needed for critical area construction and maintenance;
F. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and
G. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.

3. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).

a. Baseline Information.
   i. Wetland delineation and existing wetland acreage;
   ii. Vegetative, faunal and hydrologic characteristics;
   iii. Soil and substrate conditions;
   iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;
   v. Existing and proposed adjacent site conditions; and
   vi. Existing and proposed ownership.
b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:
c. Site selection criteria;
   i. Identification of compensation goals;
   ii. Identification of functions and values;
   iii. Dates for beginning and completion of the project and compensation plan;
   iv. A complete description of the relationship between and among structures and functions sought;
   v. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;
   vi. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and

vii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

d. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

e. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

f. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

v. Measuring sedimentation rates, if applicable; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

vii. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.

viii. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

A. Performance and Maintenance Surety and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager

shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted pursuant to Section 4.1.2.7.

4. City Consultation. The city may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

5. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the director shall become part of the application for the permit.

H. Aquifer Recharge Protection Area (ARPA) Stewardship Plan.

1. An ARPA stewardship plan may be completed by the property owner. The city may request additional information or technical review from qualified professionals or other agencies at the applicant's expense to ensure no net loss in critical area functions and values.

2. The basic components of an ARPA stewardship plan are a site plan and narrative report:

   a. The site plan shall include:
      i. Location and dimensions of proposed development within ARPA
      ii. Limits of construction and existing and proposed grade changes
      iii. Location of trees and critical root zones of all trees within the limits of construction and area of grade changes
      iv. Location and species of tree(s) proposed for removal and replanting, if required.

   b. The narrative report shall include:
      i. Project narrative (Step 2 from the SAR Guidesheet, revised as needed)
      ii. Description of measures taken to avoid, minimize and reduce adverse impacts to the ARPA
      iii. Description of proposed development within ARPA including any decrease in native vegetative area and increase in hard surfaces
      iv. Assessment of any potential damage to tree(s) whose critical root zone is within the limits of construction and area of grade changes (e.g., windthrow, root damage)

v. Description of tree(s) and vegetation proposed for removal and replanting, if required, including size, species and condition
vi. Description of protection measures for trees and vegetation to be retained
vii. Description of measures to preserve forest litter and surface topography to most closely mimic natural hydrology
viii. Planting plan including location, species and size of trees and vegetation to be replanted, if required.
ix. Description of performance standards and monitoring actions (e.g., plant survival count, percent canopy coverage estimate) sufficient to document success of any required replanting.

4.1.6 Water Quality and Stormwater Management

4.1.6.1 Principles

Water quality is affected in numerous ways by human activity. Impervious surfaces that accompanies development increases surface water runoff; which causes scouring and erosion of stream banks. Erosion increases suspended solid levels and a greater amount of stormwater carries heavy metals, household wastes, and excess nutrients into the waters of the state. Increased nutrient enrichment depresses dissolved oxygen levels. Degradation of water quality adversely impacts wildlife habitat and public health. The purpose of these provisions is to minimize water quality impacts of shoreline uses and activities. Shoreline master programs shall, as stated in RCW 90.58.020, protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life, through implementation of the following principles:

(i) Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and processes, or a significant impact to aesthetic qualities, or recreational opportunities.

(ii) Ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater discharge standards. The regulations that are most protective of ecological functions and processes shall apply.

4.1.6.2 Applicability

These provisions apply to all shoreline development, including that which does not require a Shoreline Substantial Development Permit. The use of pesticides, herbicides or fertilizers within the shorelines jurisdiction, including applications of herbicides to control noxious aquatic vegetation, shall comply with regulations of Section 4.1.5, Critical Areas and responsible federal and state agencies. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5,

Critical Areas; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.6.3 Goal

Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). The purpose of these provisions is to maintain existing water quality, restore impaired water bodies and minimize water quality impacts of shoreline uses and activities.

4.1.6.4 Policies

1. Require all shoreline uses and activities, and developments to be located, designated, constructed, and maintained to avoid or minimize adverse impacts to water quality, quantity, or hydrology.
2. Ensure that shoreline uses, activities, and developments are consistent with the City's Stormwater Management Plan and stormwater ordinances. Protect ecological functions and/or ecosystem-wide processes by avoiding and minimizing adverse impacts to water quality through shoreline vegetation management and stormwater management.
3. Use effective public education programs, site planning and best management practices to avoid or minimize the need for chemical fertilizers, pesticides, herbicides, and fungicides that could contaminate surface or ground water or cause adverse effects of shoreline ecological functions and ecosystem-wide processes.
4. Encourage the use of low impact development techniques as water quality treatment of surface water runoff, unless precluded by soil conditions, slope or other sensitive area conditions.

4.1.6.5 Prohibited

1. Wood that is treated with creosote, copper chromium arsenic (CCA) or pentachlorophenol (PCP) in or above shoreline water bodies, unless otherwise approved in Section 6.3, Overwater Structures.
2. Use of pesticides within a Shoreline Buffer and Site-specific Vegetation Management Areas, except as follows:
    a. All shoreline developments and activities shall comply with the following standards in the application of pesticides or herbicides.
        i. As part of an integrated pest management plan which is administered by a qualified professional to control rodents.
        ii. When it is the accepted practice to successfully eradicate aquatic or upland invasive/noxious vegetation species and Department of Ecology has approved a method of application.

4.1.6.6 Regulations – General

1. All shoreline development shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality, shore properties, and features are not adversely affected, and through compliance with the standards established in the City's adopted Stormwater Management Manual in BIMC 15.20.
2. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.
3. Low impact development techniques shall be considered and implemented consistent with the City's adopted Low Impact Development Manual cited in BIMC 15.20.050.C unless the site is demonstrated to the satisfaction of the Administrator to be unsuitable for low impact development techniques.
    a. When a direct discharge pipe is demonstrated to be necessary, the conveyance shall consist of the following:
        i. A continuous heat welded high density polyethylene (HDPE) pipe; and
        ii. Devices to keep the pipe stationary and set off bank; and
        iii. An energy dissipation pad or water dissipater installed at the end of the pipe. The dissipation pad shall extend the minimum distance necessary to protect the beach substrate.
4. All proposals for bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall require adequate secondary containment and an emergency spill response plan in place when appropriate. It shall be the responsibility of property owners to fund and implement the approved spill containment and cleanup plans and to complete the work by the deadline established in the plans according to BIMC 15.22.
5. Allowances to alter stormwater management standards of BIMC 15.20 may be approved by the City, provided it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive regional stormwater management plan.
6. Best management practices (BMP's) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved Stormwater Pollution Prevention Plan (SWPPP), as required by BIMC 15.20, Surface and Storm Water Management, or administrative conditions.
7. To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located landward of any new residence or business or if determined to be infeasible, in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health

standards. The owner must be in compliance with the Kitsap Health District, and any state and federal laws.

8. New residences or businesses on the shoreline located within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system.

9. All materials that may come in contact with surface water or stormwater shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. To avoid discharge of pollution, decking material or other structural components shall be approved by applicable state agencies for contact with water.

10. As a condition of permit approval, the Administrator may apply the following conditions to protect water quality:

    a. Shoreline uses and activities shall apply Best Management Practices (BMP's) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving properties, receiving waters, wetlands or streams, and are not adversely affected, consistent with the City's adopted Stormwater Management Manual.

    b. All types of BMPs shall be regularly maintained to continue to function as intended, according to the BIMC 15.21, Storm Water Facilities Maintenance Program. Such measures may include, but are not limited to:

        i. Vegetated shoreline buffers and setbacks.

        ii. Low Impact Development techniques for infiltration (rain gardens, pervious surfaces).

        iii. Methods described in the City's adopted Stormwater Manual (catch basins or settling ponds, oil interceptor drains, grassy swales).

        iv. The release of oil, chemicals (including pesticides and herbicides), fertilizer or hazardous materials, and others listed in BIMC 15.26~~2~~2 onto land or into the water is prohibited within the shoreline jurisdiction.

        v. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

11. The use of fertilizer is allowed within the Shoreline Buffer and Site-specific Vegetation Management Area when measures are taken to protect the waters of the state.

    a. Minimize or prevent the runoff of chemical laden into adjacent water bodies.

    b. The direct runoff of fertilizer chemicals into adjacent water bodies is prohibited.

c. Application of fertilizer shall utilize BMPs outlined in the City's adopted Stormwater Management Manual.

4.1.7 Flood Hazard Management

4.1.7.1 Applicability

These provisions apply to primary flood hazard projects or programs. They also apply to construction, maintenance, repair, modification and/or expansion of flood hazard management systems. Provisions applicable to individual properties are in Section 6.0, Shoreline Modification Policies and Regulations. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.7.2 Policies

1. Base flood hazard management planning on applicable watershed management plans, critical area ordinances, and other comprehensive planning efforts. Coordinate flood hazard management among affected property owners and public agencies by considering the system-wide impacts of individual projects, cumulative impacts of individual projects, and ensuring that flood hazard protection measures do not result in a net loss of ecological function.
2. Allow removal of gravel for flood control should only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction and that no net loss of ecological functions and ecosystem-wide processes will result. Removal must be part of a comprehensive flood management solution.
3. Ensure flood hazard management works are located, designed, constructed, and maintained to provide:
    a. Protection of shoreline ecological functions and ecosystem-wide processes which may be damaged by interruptions of the geo-hydraulic system;
    b. Protection of water quality and natural ground water movement;
    c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
    d. Protection of recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
4. Give preference to non-structural methods over structural flood control methods wherever feasible, including prohibiting or limiting development in historically flood prone areas,

regulating structural design, and limiting increases in peak-flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not sufficiently reduce the damage.

4.1.7.3 Prohibited

1. Flood control works are prohibited on estuary or embayment shores, on point and channel bars, and in salmon spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration or as approved for a foundation for redevelopment of a legally established primary residential structure in the Point Monroe District.
2. Flood control structures and stream channelization projects that damage fish and wildlife resources, recreation or aesthetic resources, or create high flood stages and velocities shall be prohibited.

4.1.7.4 Regulations – General

1. Flood hazard management shall be a conditional use in the Shoreline Residential Conservancy, Island Conservancy, Shoreline Residential, Urban and Aquatic designations and prohibited in the Natural and Priority Aquatic designations, except in the Point Monroe District.
2. The City shall require the applicant to provide the following information during its review of shoreline flood management projects and programs.
    a. Channel hydraulics and floodway characteristics up and downstream from the project area;
    b. Existing shoreline stabilization and flood protection works within the area;
    c. Physical, geological and soil characteristics of the area;
    d. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
    e. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on hydraulics including:
        i. Potential increases in base flood elevation; and
        ii. Geo-hydraulic processes leading to erosion or adverse effects to shoreline resources and uses; and
        iii. Potential for redirection of the normal flow of the affected stream; and
        iv. Predicted impact upon adjacent properties and shoreline and water uses; and
        v. Analysis of alternative flood protection measures, both structural and nonstructural; and

vi. An analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure; and

vii. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and

viii. A description of any proposed plans to remove vegetation and revegetate the site following construction.

3. The City shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.

4. Flood control structures shall be permitted only when there is credible engineering and scientific evidence that:

   a. They are necessary to protect existing, lawfully established development; and

   b. They are consistent with BIMC 15.16, Flood Damage Prevention and the City Comprehensive Plan; and

   c. Non-structural flood hazard reduction measures are infeasible; and

   d. Proposed measures are consistent with an adopted comprehensive flood hazard management plan, if available.

5. When permitted, flood control structures shall be:

   a. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in stream and riparian area; and

   b. Placed landward of the OHWM except for weirs, current deflectors and similar structures to protect public bridges and roads; and

   c. Placed landward of associated wetlands and designated habitat conservation areas, except for structures with a primary purpose of improving ecological functions and processes; and

   d. Designed based on engineering and scientific analyses that provide the highest degree of protection to shoreline ecological functions or processes; and

   e. Designed to allow for normal ground water movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and

f. Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.

6. No flood control structure shall be installed or constructed without first having obtained all applicable federal, state, and local permits and approvals, including but not limited to a hydraulic project approval (HPA) from the Department of Fish and Wildlife and Federal Emergency Management Agency (FEMA) requirements for National Flood Insurance Program (NFIP) communities pertaining to flood prone areas. Conditions of the hydraulic project approval permit (HPA) issued by Washington State Department of Fish and Wildlife shall be incorporated into permits issued for flood protection.

7. Removal of beaver dams to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.

8. Flood protection measures that alter, reroute, or change the shoreline may be approved as a conditional use only if it is demonstrated that other flood protection and planning measures would be insufficient. Alternative measures shall be considered in the following sequence:

    a. No action

    b. Non-structural measures such as vegetation enhancement or comprehensive planning

    c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.

    d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered solutions or other soft-treatment measures.

    e. Apply development restrictions.

4.1.8 Shoreline Restoration and Enhancement

4.1.8.1 Applicability

This section provides for restoration and enhancement of ecologically impaired areas or areas with the goal of achieving a net gain in shoreline ecological functions and ecosystem-wide processes above the baseline conditions as of the adoption of this shoreline master program. Restoration and enhancement provisions apply to activities and projects proposed and conducted specifically for the purpose of establishing, restoring, or enhancing ecological functions and ecosystem-wide processes within shoreline upland, beach and/or aquatic areas measured below the ordinary high water mark (OHWM). Shoreline restoration activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.1.3,

Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.1.8.2 Goal

Over time, create net ecosystem-wide improvement in the shoreline environment by improving impaired shoreline ecological functions and ecosystem-wide processes that have been degraded or diminished. This will be accomplished through voluntary and incentive-based public and private programs and actions that restore and enhance shoreline areas prioritized through a restoration plan.

4.1.8.3 Policies

1. Improve shoreline ecological functions and ecosystem-wide processes through restoration and enhancement actions designed using principles of landscape and conservation ecology with the primary goal being to restore and/or enhance physical and biological ecosystem-wide processes that create and sustain shoreline habitat structures and functions.
2. Encourage and facilitate cooperative shoreline restoration and enhancement programs between local, state, and federal agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.
3. Target restoration and enhancement actions to improve habitat requirement of priority species, such as Chinook and other species and/or locally important plant, fish and wildlife species; and/or other populations or habitats for which a prioritized restoration of recovery plan is available.
4. Integrate restoration and enhancement with other natural resources management efforts such as Puget Sound Salmon recovery planning, West Sound Watershed planning and Water Resource Inventory Area(WRIA) 15 Watershed Management planning.
5. As feasible, include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline through project mitigation and incentive-based restoration.
6. Seek funding from state, federal, private and other sources to implement restoration and enhancement, and provide support to restoration work by identifying shoreline restoration priorities and organizing information on available funding sources for restoration implementation.
7. Encourage restoration and enhancement projects by developing project permitting and processing guidelines that will streamline the review of restoration-only projects.
8. Identify and encourage the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs as they are developed, to encourage restoration and enhancement of shoreline ecological functions and ecosystem-wide processes and to protect habitat for fish, wildlife and plants.

9. Avoid adverse impacts to existing critical saltwater habitat areas, fish and wildlife habitat conservation areas, water quality and flood holding capacities.
10. Restore or enhance Island shorelines in conjunction with shoreline stabilization, recreational enhancement, and aquatic habitat creation or restoration. Do not allow creation of new land area along the shoreline below the OHWM to raise the elevation to create dry upland areas.
11. Encourage supplementary beach nourishment where existing shoreline stabilization has the potential to decrease existing beach materials at or down-drift from the project site and should be coordinated with an Island-wide shoreline restoration plan.
12. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of this Master Program.

4.1.8.4 Objectives

1. Encourage and facilitate cooperative restoration and enhancement programs between local, state and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or ecosystem-wide processes.
2. Restore and enhance shoreline ecological functions and processes as well as shoreline features through voluntary and incentive-based public and private programs.
3. Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.
4. Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for Chinook and bull trout populations and other species and/or populations for which a recovery plan is available.
5. Seek funding for various restoration actions and programs from local sources and by working with the Bainbridge Island Metropolitan Park and Recreation District and other jurisdictions in the WRIA 15 and stakeholders to seek federal, state, grant and other funding opportunities.
6. Continue to develop and implement the City's Shoreline Stewardship Program as a public education program to inform private property owners in the shoreline jurisdiction and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) or fish and wildlife habitats.

4.1.8.5 Regulations – Restoration

1. Restoration activities are permitted in all designations, and shall be carried out in accordance with the objectives of an approved shoreline restoration plan and in accordance with the policies and regulations of this Program.

4.1.8.6 Beach Nourishment and Enhancement

4.1.8.6.1 Policies

1. All beach enhancement projects should ensure that aquatic habitat, existing water quality levels and flood-holding capacities are maintained.
2. Beach restoration/enhancement utilizing self-sustaining systems should be required where;
   a. The length and configuration of the beach will accommodate such systems;
   b. Such protection is a reasonable solution to the needs of the specific site; and
   c. Beach restoration/enhancement will accomplish one or more of the following objectives:
      i. Recreate or enhance natural conditions.
      ii. Create or enhance natural habitat.
      iii. Mitigate erosion.
      iv. Enhance access to the shoreline.
3. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach material at or down drift from the project site.

4.1.8.6.2 Regulations – Prohibited

1. Dikes, levees, jetties, groins, gabions and breakwaters, are prohibited. Drift sills for enhancement or restoration projects may be allowed.
2. Beach nourishment is prohibited unless part of an approved mitigation plan or restoration project within spawning, nesting, or breeding habitat and/or where littoral drift of the enhancement materials enhances shoreline and does not adversely affects shoreline ecological functions and shoreline ecosystem-wide processes or adjacent properties.

4.1.8.6.3 Regulations – General

1. Mitigation/enhancement/restoration proposal design alternatives shall include the best available technology.
2. Mitigation/enhancement/restoration proposals shall not:
   a. Detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;

b. Result in any exposed groin-like structures, provided that small "drift sill" groins may be used as a means of stabilizing restored sediment as part of a permitted beach restoration program;

c. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

d. Result in contours sufficiently steep to impede easy pedestrian passage, or to trap drifting sediments;

e. Create additional dry land mass; or

f. Disturb valuable shallow-water fish/wildlife habitat as determined by the Department of Fish and Wildlife, unless such habitat is immediately replaced by new habitat that is comparable or better.

3. Beach Restoration Construction Standards:

a. The size and/or mix of new material to be added to a beach shall be as similar as possible to the undisturbed bluff sediment and Washington Department of Fish and Wildlife approved material (i.e. "Fish mix, or smaller grain size). The material shall not predominately consist of grain size similar to clay or silt.

b. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk, or profile (but not so as to obviously create additional dry land mass).

4.1.8.6.4 Specific Regulations – Beach Enhancement

1. Beach enhancement shall be a conditional use in all environments and shall be undertaken only for restoration, enhancement and maintenance of natural resources, or to enhance public access to the shoreline. Beach enhancement is prohibited if undertaken upland of Priority Aquatic designation.

4.2 General Use

4.2.1 Nonconforming ~~Uses, Non-Conforming Lots, and Existing Development~~ Nonconforming Structures, and Nonconforming Lots

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or ~~its amendments, but which do not conform to present regulations or standards of the Master Program.~~amendments thereto, and which do not conform to current regulations or standards of this Program. This section does not apply to shoreline modification or shoreline stabilization.

Nonconforming uses, lots and structures are not required to meet this Program's requirements, unless new development or changes to a use, lot or structure that would require review under this Program are proposed.

4.2.1.2 Definitions

1. Nonconforming Use. A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996), as amended, but which does not conform to present use regulations due to subsequent changes to the Program.

2. Nonconforming Lot. A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996), as amended, but now contains less than the required width, depth or area due to subsequent changes in the Program.

3. Nonconforming Structures. A nonconforming structure means an existing structure that was lawfully constructed prior to the effective date of this Program (November 26, 1996), as amended, but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the Program.

4.2.1.~~2~~3 Goal

~~It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.~~

~~It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.~~

~~Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.~~

It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, remodeled, replaced, and, in some cases expanded, in conformance with Section 4.2.1.5 through 4.2.1.8 of this Program with due regard to unique site conditions and property rights.

4.2.1.~~3~~4 Policies

1. ~~Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.~~

2. ~~Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.~~

3. ~~Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.~~

4. ~~Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.~~

5. ~~Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.~~

6. ~~Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

7. ~~Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.~~

8. ~~Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

~~9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~

~~10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.~~

1. Nonconforming structures may be replaced, repaired, maintained, or remodeled and, in some cases, nonconforming structures may be expanded provided the **~~alteration~~ change** meets the current regulations and standards of this Program. Decreases in nonconformity should be encouraged.
2. Once discontinued, reestablishment of nonconforming uses and nonconforming commercial structures located in the shoreline jurisdiction should be restricted or phased out over time.
3. Nonconforming overwater structures may be reconstructed to the same size and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
4. Nonconforming lots of record may be developed consistent with the standards and regulations of this Program.
5. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.~~4~~5 Regulations – General

~~1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.~~

~~2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request~~

~~is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.~~

~~3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.~~

~~4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.~~

~~5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.~~

1. Nonconforming uses, lots, and structures may continue subject to the provisions of this section.
2. Any alterations to nonconforming uses or structures shall meet the no net loss standard pursuant to Section 4.1.2.4. The current condition of the shoreline, including nonconforming uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.

4.2.1.~~5~~6 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidently damaged or destroyed and reconstruction is proposed under Section 4.2.1.~~6.1(3)~~7, then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.~~4(2)~~7.1(7).
3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.~~6~~7 Regulations – ~~Existing Development~~ Nonconforming Structures

4.2.1.~~6~~7.1 General Provisions – Nonconforming Structures

~~1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:~~

~~a. Changes to the structure that would alter or increase the nonconformity are not permitted;~~

~~i. Any vertical or horizontal extension of a wall must meet the provisions of this program.~~

~~ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.~~

~~b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;~~

~~c. Renovations or remodels are entirely contained within the building;~~

~~d. If moved, the structure shall be made to conform to regulations of this program.~~

~~2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations General, and 4.2.1.5, Regulations – Nonconforming Uses, above.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.~~

~~c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – Nonconforming Uses, and Appendix B.~~

1. All nonconforming structures may be maintained, repaired, renovated, remodeled, or rebuilt. In some cases, nonconforming structures may be expanded subject to the specific provisions of this Program.
2. Nonconforming structures shall not be reconstructed, altered, or expanded in any way that increases the nonconformity.
3. No further encroachment into the shoreline buffer established in accordance with Section 4.1.3 is allowed unless permitted by this Program.
4. Any nonconforming structure that is relocated must conform to regulations of this Program.

5. The enlargement or replacement of a structure shall not warrant new shoreline stabilization for the life of the new structure; and

6. A replacement structure, or portion thereof, must meet geologically hazardous provisions in Section 4.1.5.

7. A complete application for any reconstruction under this section must be submitted within three (3) years of the date of damage or removal and must include documentation of site conditions and building configuration existing immediately prior to the time the structure was demolished or destroyed. Upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.

Note: Commercial and Industrial structures moved to Section 4.2.1.7.6

~~***4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)***~~

~~1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.~~

~~2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.~~

4.2.1.~~6.3~~7.2 ~~Existing Structures~~ Nonconforming Structures – Residential Single-Family: Primary Structures

~~1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).~~

~~2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:~~

~~a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:~~

~~i. The allowed building area for Point Monroe District, Section 5.9.6(2).~~

~~ii. The allowed building area for encumbered lots, Section 4.2.1.7.~~

~~iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.~~

~~b. Any vertical expansion must meet height requirements of this Program;~~

~~c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;~~

~~d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;~~

~~e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and~~

~~f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.~~

~~3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.~~

~~4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.~~

1. A nonconforming primary residential structure located within the shoreline buffer may be altered, expanded, or rebuilt, provided:

   a. If an existing primary residential structure is damaged or destroyed by any means, it may be reconstructed to the same footprint and bulk dimensions existing immediately prior to the demolition or destruction.

   b. Any enlargement or expansion of the building, including any new impervious surfaces, shall be located landward of the existing or original building footprint.

   c. No enlargement or expansion shall be located within Zone 1 of the shoreline buffer.

   d. For structures not within an encumbered lot, enlargement or expansion may be allowed as follows:

      A. If the total footprint of any remaining portion of the existing primary structure, the proposed additional footprint, and any existing and proposed hard surfaces is less than or equal to four thousand square

feet expansion is allowed with mitigation as required in the Single Family Shoreline Mitigation Manual.

B. If the total footprint of any remaining portion of the existing primary structure, the proposed additional footprint, and any existing and proposed hard surfaces is greater than four thousand square feet expansion is allowed with submittal of a site-specific impact analysis and approval of a shoreline conditional use permit.

e. No exceptional trees as defined in BIMC 16.18 shall be removed to accommodate the enlargement or expansion.

f. No significant trees shall be removed to accommodate the enlargement or expansion unless the Administrator determines all of the following are met:

A. The use of mitigation sequencing pursuant to Section 4.1.2.6 is demonstrated prior to removal of the tree.

B. The healthy trees remaining on the property are able to maintain existing shoreline ecological function and processes.

C. Reasonable and feasible alternatives that would allow for the preservation of the tree are not available.

g. Permitted expansion of a nonconforming structure shall not substantially impact the existing views of the water from primary residences or public rights-of-way to any greater degree than a fully conforming structure in accordance with Section 4.1.3.11.

h. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

Note: Multifamily primary structures moved to Section 4.2.1.7.5

~~***4.2.1.6.4 Existing Structures – Multifamily Residential: Primary Structures***~~

~~1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and~~

~~c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.~~

~~d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.~~

~~2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:~~

~~a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and~~

~~b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).~~

4.2.1.~~6.5~~7.3 ~~Existing~~ Nonconforming Structures – Residential: Accessory Structures

~~1. If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program, except:~~

~~a. An existing essential single family residential accessory structure may be reconstructed as follows:~~

~~b. Replacement structure is the same bulk dimension as the existing structure.~~

~~c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.~~

~~d. Attached decks essential to a single family residence may be replaced in the same location.~~

~~e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.~~

1. If an existing residential accessory structure, including accessory dwelling units, is damaged or destroyed by any means, it may be reconstructed to the same footprint and bulk dimensions existing immediately prior to the demolition or destruction.

Note: Encumbered and nonconforming lots moved to Section 4.2.1.8

~~4.2.1.7 Regulations – Encumbered and Nonconforming Lots~~

~~1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:~~

~~a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or~~

~~b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:~~

~~i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and~~

~~ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and~~

~~iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and~~

~~c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and~~

~~d. Development may not take place waterward of the ordinary high water mark; and~~

~~e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.~~

4.2.1.7.4 Nonconforming Structures – Residential and Commercial Overwater Structures

1. ~~Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.~~

   a. ~~Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.~~

   Nonconforming docks, piers, floats, and buoys may be replaced in the same footprint and shall comply with this Program's requirements for materials and standards, to the extent practicable.

2. Nonconforming docks, piers, floats, and buoys may be modified, reoriented or altered within the same general location without a substantial development permit if the resulting structure is more consistent with this Program's requirements for materials and standards.

3. ~~Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.~~ Replacement of nonconforming overwater structures other than docks, piers, floats, and buoys may be replaced if such replacement is authorized as normal repair consistent with WAC 173-27-040(2)(b).

~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~

4.2.1.7.5 Nonconforming Structures – Multifamily Residential: Primary Structures

~~1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.~~

~~a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and~~

~~b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and~~

~~c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.~~

~~d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.~~

~~2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:~~

~~a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and~~

~~b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).~~

1. A nonconforming primary multifamily residential structure, or any portion thereof, may be reconstructed only in conformance with the current regulations and standards of this Program, including provisions for public access (Section 4.2.4.6) and residential development (Section 5.9).
2. A nonconforming primary multifamily residential structure, or any portion thereof, that is damaged or destroyed by a natural catastrophic event, may be reconstructed to the footprint and bulk dimensions existing immediately prior to the catastrophic event.

4.2.1.7.6 Nonconforming Structures – Commercial and Industrial (Primary and Accessory)

~~***4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)***~~

~~1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.~~

~~2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.~~

1. Nonconforming commercial and industrial structures, or any portion thereof, demolished or destroyed by any means may be reconstructed only in conformance with the current regulations and standards of this Program; except, nonconforming commercial structures utilized wholly for water-oriented uses may be reconstructed to the same footprint and bulk dimensions existing immediately prior to destruction by catastrophic event or intentional demolition.

4.2.1.~~8~~7.7 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.

2. Redevelopment of nonconforming public rights-of-way and associated transportation structures ~~are~~ is allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

~~4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures~~

~~1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.~~

~~a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.~~

~~2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.~~

~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~

4.2.1.~~7~~8 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a ~~legal~~ nonconforming lot ~~located in the shoreline jurisdiction~~ or proposed for a shoreline property that is significantly encumbered by ~~shoreline or critical area buffers~~ critical areas, critical areas buffers or setbacks, or shoreline buffers, may be allowed without a shoreline variance when the following criteria are met:

   a. If a lot contains a building area of 2,500 square feet or more that is unrestricted by critical areas, critical areas buffers or setbacks, or shoreline buffers, development of a single-family residence and normal appurtenances shall occur

within that unrestricted development area and comply with the provisions of this Program. The development area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping.

~~A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or~~

b. ~~A lot that does not meet the requirement of subsection 1.a above, shall meet the following~~ If a lot does not contain a development area of 2,500 square feet or more available for a single-family residence and normal appurtenances that is unrestricted by critical areas, critical areas buffers or setbacks, or shoreline buffers, development shall meet the following provisions:

i. Landslide hazard provisions of Section 4.1.5, Critical Areas~~, and Appendix B~~ and provide the maximum buffer dimension feasible for critical areas; and

ii. Provide a ~~building~~ development area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The ~~building~~ development area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and

iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and

c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas~~, and Appendix B~~; and

d. Development may not take place waterward of the ordinary high water mark; and

e. Facilities such as a conventional drainfield system may be allowed outside of the development area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall ~~not be located closer than 75ft to OHWM~~ be located a minimum of 75 feet from the ordinary high water mark; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.2 Cultural Resources

4.2.2.1 Applicability

The following provisions apply to cultural, archaeological and historic resources that are either recorded by the State Historic Preservation Office, affected Indian tribes and/or by local jurisdictions, or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Cchapter 25-48 WAC (archaeological excavation and removal permit) as well as the provisions of this Master Program. Shoreline development and activities associated with cultural resources will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.2.2 Policies

1. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to, any site having historical, cultural, scientific or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Washington State Department of Archaeology and Historic Preservation.
2. Ensure that public or private uses and activities are compatible with any site having historic, prehistoric, cultural, scientific or educational purpose or value as identified by the appropriate authorities.
3. Develop guidelines to direct private and public development with regard to historic structures and areas. Require on-site interpretive signs, plaques or other interpretive and educational measures when a project impacts or retains cultural resources, unless prohibited by law.
4. Coordinate with the Metropolitan Park District to ensure Comprehensive Plan's consistency with cultural resource management policies.

4.2.2.3 Regulations - General

1. New or expanded shoreline use and development, including preferred uses, restoration projects and uses exempt from permit requirements shall:
   a. Preserve and protect cultural resources that are recorded by the Washington State Department of Archaeology and Historic Preservation or local registry and resources that are inadvertently discovered during use or development activities; and

b. Consult the City, the Washington State Department of Archaeology and Historic Preservation and affected tribes prior to beginning development so there is ample time to assess the site and make arrangements to preserve cultural resources; and

c. Comply with all state and federal regulations pertaining to archaeological sites.

2. Significant cultural resources shall be permanently preserved for scientific study, education, and public observation. Employ all feasible means to ensure that data, structures, and sites having historical, archaeological, cultural, scientific, or educational significance are preserved, extracted, or used in a manner commensurate with importance. Unless an alternate period is agreed to by the applicant, or if a different federal or state law supersedes this SMP, the City may postpone development activities a maximum of 90 days to allow for the:

   a. Development of a Cultural Resource Management Plan and/or retrieval and preservation of significant artifacts.

   b. Investigation of public acquisition potential, including:

      i. Consulting with Historic Preservation Commission on grant opportunities; and

      ii. Informing City Council of opportunity.

3. When determining potential impacts to cultural resources, the project area shall be limited to proposed development use pattern, including associated areas, such as paths, equipment storage and appurtenances.

4. Archaeological excavations may be permitted subject to the provisions of this program.

4.2.2.4 Regulations - Procedure

1. When reviewing a permit, the City will use the following methods to determine probability of cultural resources occurrence:

   a. Predictive models;

   b. Local and State Inventory; and

   c. Registries:

      i. National Register of Historic Places

      ii. Washington Heritage Register

      iii. Heritage Barn Register

2. The following shall be required of the City when permits or statements of exemptions are issued in areas known to contain, or to have a significant probability of containing cultural resources:

a. The Washington State Department of Archaeology and Historic Preservation and affected tribes shall be notified of the proposed activity, including timing, location, scope, and resources affected; and

b. The applicant shall provide a Cultural Resource Site Assessment and a Cultural Resource Management Plan, for review and approval pursuant to subsection 3, below; and

c. Costs for the Cultural Resource Site Assessment and Cultural Resource Management Plan are the responsibility of the applicant; and

d. The applicant shall identify areas and fence off known or suspected archaeological middens and areas of cultural significance according to the Cultural Resource Management Plan, prior to site development or proposed activities.

3. If a Cultural Resource Assessment identifies significant cultural resources, the applicant shall be required to submit a Cultural Resource Management Plan (CRMP) which shall include:

a. An analysis of actions to be taken by the property owner, applicant, archaeologist, or historic preservation professional in the event that an inadvertent discovery of historic, archaeological, or cultural sites or artifacts occurs during site development; and

b. An explanation of why the proposed activity requires a location on, or access across and/or through, a significant cultural resource; and

c. A description of the cultural resources affected by the proposal; and

d. An assessment of the cultural resource and an analysis of the potential adverse impacts as a result of the activity; and

e. Measures recommended to prevent adverse impacts or to address review comments from the City, Washington State Department of Archaeology and Historic Preservation, and affected tribes;

f. Measures recommended for mitigation; and

g. Measures for identification and education. Interpretive signs, plaques, or other interpretive and educational measures of historical and archaeological features shall be provided, unless the identification of the location of the cultural resource is protected by state or federal laws. (See Applicability for laws governing Archaeological sites.)

4. If archaeological resources are inadvertently uncovered during construction or other activities, the property owner(s) shall immediately stop work and comply with the provisions of Subsection 2, and the following:

a. The applicants(s) must first receive permission from the State Office of Archaeology and Historic Preservation and the City, prior to further site disturbance (RCW 27.53.060 or its successor).

5. Identified historical or archaeological resources shall be considered during project planning for all park, open space, public access and projects with access to such areas. Projects shall be designed and managed to give maximum protection to retain cultural resources and surrounding environment.

6. The project may be exempt from shoreline permit requirements in the event that unforeseen factors constituting an emergency (as defined in RCW 90.58.030 or its successor) necessitate rapid action to retrieve or preserve artifacts or data. When such a waiver is provided, the City shall notify the Washington State Department of Ecology, the State Attorney General's Office~~,~~ and the Washington State Department of Archaeology and Historic Preservation.

4.2.3 Parking

4.2.3.1 Applicability

The following should apply only to parking that is accessory to a permitted shoreline use. Additional parking regulations in the BIMC Title 18, Zoning, may also apply. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.3.2 Policies

1. Allow parking that directly serves a shoreline use and that is sensitive to adjacent shorelines and properties. Encourage accessible parking for road ends; limit accessory motorized parking within the shoreline jurisdiction, except for ADA parking services; and encourage parking facilities for non-motorized transportation.

2. Ensure parking facilities are located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare. Low impact development techniques, such as permeable surfaces and/or rain gardens (bio-retention cells), should be required of all parking, including single-family residences where suitable site conditions exist.

3. Design and locate parking to serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays).

4.2.3.3 Regulations – Prohibited Uses

1. Parking as a principal use (i.e., not accessory to an authorized use) except when provided as part of a public road end or scenic vista.
2. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.

4.2.3.4 Regulations – General

1. Parking in the shoreline jurisdiction shall directly serve a shoreline use and shall require a conditional use permit in the Natural designation.
2. Parking supporting specific land use activities within the shoreline jurisdiction is subject to the requirements and standards set forth in BIMC 18.15.020, in addition to the specific use regulations of this section.
3. Parking shall be prohibited over water except at the publicly-owned ferry terminal in the Urban designation.
4. Parking areas shall serve multiple facilities unless shown to the satisfaction of the Administrator not to be feasible.

4.2.3.5 Regulations – Location and Design

Parking shall comply with the following design standards as applicable (e.g. item 1 would not apply to over-water ferry terminal parking):

1. Parking facilities shall be located upland of the water-oriented portions of the development and where feasible, landward of the principal buildings unless contained within a permitted structure, and set back from the OHWM as established in Section 4.0, Table 4-2, Shoreline Setback.
2. The design and construction for single-family residential parking and parking facilities shall assure that surface water runoff will not pollute adjacent waters or cause soil or beach erosion, and shall meet the standards of Section 4.1.6. Water Quality and Stormwater Management. Oil separators and detention facilities shall be required for new parking facilities. Alternatives to conventional stormwater treatment, such as use of pervious materials, shall be considered where appropriate in order to minimize impacts of runoff and/or the need for stormwater treatment.
3. Security lighting associated with parking facilities shall be beamed, hooded, or directed so as to not cause a nuisance glare.
4. Parking facilities shall be separated from residential, recreation, and natural areas (e.g., the shoreline) by landscaping and/or screening in accordance with the landscaping requirements of BIMC Title 18, Zoning.

5. Parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent shorelines and properties. Landscaping shall be designed and installed pursuant to BIMC 18.15.010(F), Parking Lot Landscaping, and shall provide screening within three (3) years of planting. Plantings shall be maintained for the life of the parking facility. The requirement for screening may be waived or modified by the Administrator, where screening would impact shoreline views from public property or public roadway or to address public safety concerns. Landscape areas shall not be used for the storage of materials or parking of automobiles or other vehicles.
6. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area, and to the shoreline and building entrances. Pedestrian connections must be at least five (5) feet wide and shall either be a raised sidewalk or composed of a different material than the parking lot material. Parking facilities shall meet ADA standards.
7. Surface parking areas shall be developed using low impact development techniques whenever possible, including but not limited to the use of permeable surfacing materials.
8. Parking facilities contained in buildings that face a public pedestrian walkway, public use area, or public park must incorporate vegetation and/or building surface treatment to mitigate the visual impacts of the structured parking.

4.2.3.6 Regulations – Use Specific Parking and Circulation

1. See Table 4-1, Shoreline Use and Table 4-2, Shoreline Setback, for restrictions related to specific uses and the following regulations.

4.2.3.7 Specific Regulations – Boating Facilities Parking

1. Short-term loading areas may be located at ramps or near berthing areas. Long-term parking that is greater than 24 hours, and long-term paved storage areas shall be separated from the OHWM by a native vegetation buffer and setback at least one-hundred (100) feet, unless demonstrated to the satisfaction of the Administrator not to be feasible.
2. To the maximum extent possible, marinas and accessory uses shall share parking facilities, giving preference to marina use.
3. Parking facilities shall be provided according to the following schedule

First 50 moorage slips:	1 vehicle space per 2 slips
Slips 51 to 100:	1 vehicle space per 3 slips
Slips over 100:	1 vehicle space per 4 slips

4. Additional parking space shall be provided as follows:

a. An additional space for every four hundred (400) square feet of interior floor space devoted to accessory retail sales or services.

b. Where live-aboards are permitted, additional parking shall be provided at a rate of 1 vehicle per live-aboard vessel or houseboat allowed, except open water moorage and anchorage areas shall follow (c) and (d) below.

c. Live-aboard tenants of open water moorage and anchorage areas shall provide either:

i. Evidence of access to one legal vehicle parking space per anchorage/moorage space for the duration of the anchorage/moorage period; or

ii. An affidavit stating that no vehicle is owned or used by the tenant.

d. Two load/unload parking spaces shall be provided for transient users of open water moorage and anchorage areas.

5. Marinas and launch ramps shall be located where access streets are adequate to handle the traffic load generated by the facility and shall be designed to minimize other circulation and access conflicts. Backing of trailers on public roads shall be discouraged and appropriate signage shall be provided.

6. Roads between marinas and arterial routes shall be satisfactory to the City for marina access including:

a. All-weather surfacing;

b. Width;

c. Safety;

d. Alignment;

e. Sign distance;

f. Grade; and

g. Intersection controls.

7. Marinas and boat launches shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous, and so that public use of the surface waters below the OHWM is not unduly impaired.

8. At each public or quasi-public launch ramp, at least ten (10) car and trailer spaces measuring at least ten (10) feet by forty (40) feet shall be provided for each ramp lane.

4.2.3.8 Specific Regulations – Road Ends and Scenic Viewpoints Parking Facilities

1. Road ends shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.
2. Trailheads shall contain a minimum number of two parking stalls, if feasible, which shall be designed pursuant to BIMC 18.15.020.

4.2.4 Public Access – Visual and Physical

4.2.4.1 Principles

The provisions of this section are intended to:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

4.2.4.2 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. Public access provisions apply to all shoreline as prescribed by this program. Development, uses, and activities shall be consistent with Section 4.1.3, Vegetation Management. Public access provisions must be consistent with the Non-motorized Transportation Plan, a component of the Transportation Element of the Comprehensive Plan. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.4.3 Goal:

Provide, maintain and enhance a safe, convenient and balanced system of visual and physical public access to the shoreline which includes a diversity of opportunities for the public to enjoy the shorelines of the state, including ADA access to the extent feasible, while recognizing or acknowledging the fragile natural features of the shoreline and the rights of private property ownership.

4.2.4.4 Policies

1. Develop, adopt and implement a comprehensive shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a system plan, and seeks new waterfront access points to increase visual and physical shoreline access through enhancement of publicly held land, incentives, easements, land acquisition, and other appropriate means.
2. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and ecosystem-wide processes and the public health and safety.
3. Preserve and enhance physical and visual shoreline access. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water. Development provisions, such as height limits, setbacks and view corridors, should be utilized to minimize impacts to existing views from public property or substantial numbers of residences. Physical public access shall have priority over maintenance of views from adjacent properties, unless there is a compelling reason to the contrary. View enhancement should not adversely impact the ecological functions of shoreline vegetation.
4. Expand the amount and diversity of public shoreline access opportunities and promote public access to the water via road rights-of-way ("road ends") and public utility corridors and easements (where possible), with a goal of providing comparable access in all neighborhoods.
5. New commercial use development or development by public entities must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where feasible, public access should be provided parallel to the beach (such as a walking/bicycling path or promenade) and waterward of all buildings in all commercial and all Urban designation.
6. The Winslow Waterfront Trail should be completed and protected through acquisition, easement dedication, or other appropriate means.
7. Require public access, both visual and physical, as a condition of approval for any new private shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.
8. Public access should be designed to avoid or minimize adverse impacts to the shoreline environment; to minimize impacts to private property and individual privacy; to distinguish between public and private property; and to ensure public safety.
9. City-owned shorelines should be reserved for water-dependent or public recreational uses, or maintained as open space.

10. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, vegetation alteration or removal to achieve a filtered view should not be excessive.

4.2.4.5 Regulations - General

1. New development increasing demand for public access and/or reducing existing access by blocking or discouraging its use, shall incorporate provisions for visual and/or physical public access into any shoreline development that meets one or more of the following tests:
    a. Any uses, except for single-family residential development with four or fewer dwelling units or building lots located in the Urban designation;
    b. Includes commercial, industrial or any nonresidential uses located in any shoreline designations;
    c. Includes residential development and/or residential land division that provides five or more dwelling units or building lots located in any shoreline environments.
2. When public access provisions are required for development, the Administrator shall prepare written findings demonstrating consistency with the principles of nexus and proportionality and the test stated in regulation (1), above. The determination shall include:
    a. Project-specific expected impacts;
    b. Specific reasoning for determination of need for public access requirements;
    c. How the suitable public access options are related to the specific project.
3. Public access will not apply as prescribed in regulation (1) above, if the determination does not demonstrate the need or the applicant demonstrates to the satisfaction of the City one or more of the following:
    a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
    b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
    c. The cost of providing the access, easement, or an alternative public access amenity on or off the development site is unreasonably disproportionate to the total long-term cost of the proposed development.
    d. Environmental impacts which cannot be adequately mitigated will result from the public access.

e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

4. Prior to deciding public access is not required pursuant to regulation (2) or (3) above, the applicant must first demonstrate, and the City determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:

   a. Regulating access by such means as maintaining a gate and/or limiting hours of use.

   b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, other landscaping).

   c. Provision(s) for access on a site geographically separate from the proposal such as a road end, vista, tideland or trail system.

5. Development, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's existing physical and visual access to the water and shorelines; and shall balance the public's visual access to the shoreline with the retention of existing shoreline vegetation so as not to adversely impact the ecological functions and processes of existing shoreline vegetation.

   a. The public's physical shoreline access is a priority over maintenance of adjacent shoreline properties shoreline views.

   b. Where a development or use will interfere with an existing public access, the development or use shall apply mitigation sequencing principles and provide public access in proportion to the impact.

   c. Public upland properties may preserve and enhance public shoreline views through limited vegetation pruning and/or vegetation removal to achieve a filtered view as described in the filtered screen landscaping provisions of BIMC 18.15.010, provided that it is demonstrated to the satisfaction of the Administrator that such visual enhancement measures

      i. Do not adversely impact the environment, including the ecological functions of shoreline vegetation; and

      ii. Meet the standards of Section 4.1.3, Vegetation Management of this Master Program.

6. The public's visual and physical access provided by shoreline road ends, public utilities, and rights-of-way shall not be diminished. [RCW 35.79.035 or its successor and RCW 36.87.130 or its successor]. Submerged public rights-of-way shall be preserved for public access.

7. Publicly owned shoreline properties shall be reserved for public water-dependent uses, public recreational uses, or public open space.

8. Development by public entities shall include public access to the shoreline, unless suchaccess is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

4.2.4.6 Regulations – Public Access Design and Location Standards

1. Public access shall consist of a dedication of land, easement, and/or a physical improvement such as a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
2. The minimum width of public access easements shall be 10 feet, unless the Administrator determines that undue hardship would result. In such cases, easement widths may be reduced only to the extent necessary to relive hardship.
3. Public access shall incorporate the following location and design standards:
    a. A public pedestrian access walkway located generally parallel to the ordinary high water mark of the property and waterward of buildings shall be required in the Urban designation, or for new commercial developments or where open space is provided along the shoreline, provided that the public access can be designed in a manner that will not adversely impact shoreline ecological functions and/or processes.
        i. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate.
        ii. Fencing may be provided temporarily to control damage to plants and other sensitive ecological features and permanently where appropriate.
        iii. Trails should be constructed of materials, such as permeable material or elevated structures appropriate for conditions to limit impacts to ecologically sensitive areas and should be limited to 4 feet in width to reduce impacts to ecologically sensitive resources.
    b. Public access where applicable should be designed to:
        i. Be located adjacent to other public areas, accesses or connecting trails;
        ii. Connect to the nearest public street and include connections to the Winslow Waterfront Trail and other planned trails as required and specified in the City's Non-Motorized Transportation Plan or Metropolitan Park District Comprehensive Plan; and
        iii. Include provisions for handicapped and physically impaired persons where feasible and consistent with applicable state and federal law.

c. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.

d. Design shall minimize intrusions on privacy by avoiding locations adjacent to windows and/or private open spaces or by screening or other separation techniques.

e. Public amenities that are appropriate to the level of expected use shall be provided to serve the users of a public access area, such as benches, picnic tables and sufficient public parking. Vista parking facilities shall include a significant public view and provide recreational opportunities such as picnic tables or viewing benches.

f. Public facilities, public uses and commercial developments that attract a substantial number of people, and developments by government/public entities may be required to provide public restrooms, facilities for disposal of animal waste, and other appropriate public facilities.

4.2.4.7 Regulations – Public Access Permit Requirements

1. Development with public access requirements shall meet the following:

   a. The required public access shall be fully developed and available for public use at the time of occupancy of the use or activity in accordance with conditions of approval, or in accordance with other provisions for guaranteeing installation within a 5-year period through a monetary performance assurance as approved by the City Attorney.

   b. Public access easements and conditions of approval shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Recording with the County Auditor's office shall occur at the time of permit approval. [RCW 58.17.110 or its successor].

   c. The standard state-approved logo or other approved sign(s) that indicate the public's rights of access and hours of access shall be constructed, installed, and maintained in conspicuous locations at public access sites. In accordance with regulation 4.2.4.6(3)(a) above, the City may control or restrict public access as a condition of permit approval.

   d. Public access facilities shall be maintained over the life of the use or development unless the City approves amending access to provide equal or greater public access than currently provided. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

2. When properties are subdivided, owners of newly created lots which do not have frontage on the water shall be provided common access to the water, to the extent feasible and provided that it will not cause unacceptable environmental harm which cannot be adequately mitigated.

4.2.5 Signs

4.2.5.1 Applicability

Signs are regulated primarily through BIMC 15.08, Sign Code. The following provisions apply to all signs within the jurisdiction of the Shoreline Master Program, including signs used for the purpose of providing information related specifically to enhancing the public enjoyment of the shorelines through education and/or noting areas of special cultural or historical significance. These provisions do not apply to publicly owned signs where the purpose is to provide information regarding safety, direction, directions, and the like. Shoreline development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.5.2 Policies

1. Signs should be designed and placed so they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere, during daylight or non-daylight hours, with visual access to the water or shorelands.
3. Signs should be of a permanent nature, should serve an approved use, and should be located on the property approved for such use.

4.2.5.3 Regulations - General

1. Signs for specific land use activities within the shoreline jurisdiction are subject to the requirements and standards set forth in the Bainbridge Island Municipal Code, Chapter 15.08, Sign Code, in addition to the regulations of this section.
2. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or as approved as part of a water-dependent use.
3. The following types of signs may be permitted, subject to the provisions contained within this section:
    a. Water navigational signs and highway and road signs necessary for operation, safety and direction;

b. Public information/interpretive signs directly relating to a shoreline resource, use or activity;

c. Off-premise, free-standing signs for community identification, information, or directional purposes;

d. Signs with changing messages, provided that the information displayed on a non-lighted sign is limited to displaying time, temperature or date or public non commercial messages. Commercial electric signs with changing messages are prohibited;

e. National, state or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and

f. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event and permitted in accordance with BIMC Chapter 15.08.

4.2.5.4 Regulation – Public Access Signs

1. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.

2. The location of new public access sites shall be clearly identified. Signs with the appropriate agency's logo shall be constructed, installed and maintained by the project proponent in conspicuous locations at the public access sites and/or along common routes to public access sites. The signs shall indicate the public's right of access, the hours of access, and other information.

4.2.6 Transportation Facilities

4.2.6.1 Applicability

Transportation facilities are also subject to Section 4.0, General (Island-wide) Policies and Regulations, including Tables 4-1 through 4-3; Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.5, Critical Areas ~~and Appendix B;~~ Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; Section 6.4, Dredging and Dredge Material Disposal; and Section 6.5, Fill. Construction and maintenance activities related to transportation facilities may require a Vegetation Management Plan and/or a Stormwater Pollution Prevention Plan (SWPP) pursuant to BIMC Chapter 15.20, Surface and Storm Water Management, and Master Program Sections 4.1.3, Vegetation Management, and 4.1.6, Water Quality and Stormwater Management. Transportation facility development and activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts and may also be reviewed under BIMC

Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.6.2 Policies

1. Plan, locate and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions and ecosystem-wide processes or adversely impact existing or planned water-dependent uses.
2. In planning for new transportation systems, give priority to transportation modes favoring multimodal systems. New roads and bridges should not be allowed, except access roads (including driveways) or when a bridge provides the least adverse impact to ecological functions and ecosystem-wide process.
3. Encourage trail and bicycle systems as a preferred access to and along the shoreline. Road reconstruction projects should include non-motorized transportation facilities.
4. When existing transportation corridors are vacated, acquire them for water-dependent use or public access.
5. Encourage joint use of transportation and utility rights-of-way within shoreline jurisdiction for roads and utilities.
6. Encourage state highway and public street modifications that promote stream restoration or mitigate existing environmental damage.
7. Encourage the completion of the Eagle Harbor Waterfront Trail.
8. Locate nonwater-oriented and water-related transportation facilities outside the shoreline jurisdiction.
9. Promote public views from roads and encourage projects to incorporate ADA compliant shoreline access opportunities.
10. Allow reconstruction of public roads located in the shoreline that are in danger of loss or substantial damage and which serve as the primary means of access to a substantial number of residents, if no feasible alternative is possible for relocating the road out of danger or where it would cause more ecological damage to do so, and where mitigation of impacts avoids a net loss of shoreline ecological functions and ecosystem-wide processes.

4.2.6.3 Regulations – Prohibited

1. The following transportation facilities are prohibited:
   a. New highways, arterials, secondary arterials, railroad facilities, and heliports;
   b. Additional bridges over Puget Sound waters to and from Bainbridge Island;
   c. In the Priority Aquatic designation all transportation facilities, except trails; and

d. New transportation facilities in front of feeder bluffs, over driftways or on accretion shoreforms.

2. Fills for transportation facility development are prohibited in water bodies, wetlands, marshes, bogs, swamps and on accretion beaches except when there is a demonstrated purpose and public need that supports the uses consistent with this program, and alternatives to accomplish the same purpose have been shown to be infeasible. Such fill may be permitted by a conditional use permit and must comply with the provisions of Section 6.5, Fill.

3. Herbicides for roadside brush control on city roads in the shoreline jurisdiction, except when a city-approved integrated pest management plan is implemented. See Section 4.1.6, Water Quality and Stormwater Management.

4.2.6.4 Regulations – General

1. Pervious trails shall be permitted in upland shoreline designations.
2. Publicly-owned ferry terminals and services, except over-water facilities, are allowed as a permitted use in the Urban designation and in the adjacent aquatic environment. New over-water facilities in conjunction with a permitted ferry terminal are a conditional use in the Urban designation and in the adjacent aquatic environment and are prohibited in all other environments.
3. Float plane facilities and services are a conditional use in the Urban designation.
4. New access roads shall be allowed only where required because of one of the following:
   a. Other means of access are demonstrated to the satisfaction of the Administrator to be infeasible or environmentally unacceptable; or
   b. The road is needed for ferry service.
5. Transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. Expansion of the existing corridor shall meet the provisions of Section 4.1.3, Environmental Impacts.
6. Shoreline road ends may not be vacated except in compliance with RCW 35.79.035 or its successor and RCW 35.79.035 or its successor.
7. Transportation facilities including, but not limited to, ferry terminals, and/or float plane terminals shall meet the height and setback standards in Table 4-2.

4.2.6.5 Regulation – Design, Construction and Maintenance

4.2.6.5.1 Construction and Maintenance

1. Waste material from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or cast on the side of roads within a shoreline, water body, wetland, estuary, tideland, accretion beach, and other unique natural area. Such materials shall be deposited in stable locations where re-entry and erosion into such areas is prevented.

2. No machinery shall be operated within or along a stream bed, marine shoreline, lake, wetland or pond except in compliance with a hydraulics permit approval (HPA) issued by the Washington State Department of Fish and Wildlife. If an HPA is not required, operation of machinery may be approved by the Administrator.

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

4.2.6.5.2 Road Design

1. Transportation facilities shall employ low impact development techniques according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.

2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies; where doing so minimizes adverse impacts to the shoreline.

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

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

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

4.2.7 Utilities (Primary and Accessory)

4.2.7.1 Applicability

These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a principal use, such as water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the principal use. Shoreline development and activities will be

reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.3, Vegetation Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

4.2.7.2 Policies – Primary Utility

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

4.2.7.3 Policies – Accessory Utilities

1. On-site utilities and rights of way should be:

a. Located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.

b. Designed and located in a manner which preserves the shoreline ecology, water quality and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and ecosystem-wide processes, and minimizes conflicts with existing or planned land uses.

4.2.7.4 Regulations - Prohibited

1. The following uses associated with utilities shall be prohibited within shoreline jurisdiction:

   a. New solid waste disposal sites and facilities;

   b. Primary radio, cellular phone and microwave towers;

   c. Utilities requiring withdrawal of water from streams, and

   d. Primary power-generating facilities including solar power and wind generation that are not considered accessory structures in BIMC 18.09, except public facilities necessary to serve a public system, such as sewer lift stations or similar facilities which must be located within the shoreline area due to the system design of the existing public facility.

   e. Land filling in shoreline jurisdiction for utility or utility line development purposes is prohibited.

4.2.7.5 Regulations - General

1. Primary utilities may be allowed as a conditional use in the Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designations. They are prohibited in Natural, Island Conservancy and Priority Aquatic designations.

2. Utility development shall comply with required setbacks. (See Section 3.0, Shoreline Designation Policies and Regulations and Table 4-2.) Primary Utilities shall provide screening of facilities from water bodies and adjacent properties. Type of screening required shall be determined by the City on a case-by-case basis.

3. All utilities shall meet the height and setback standards in Table 4-2.

4. Utilities shall be located and designed so as to avoid the use of any shoreline stabilization or flood protection works.

5. Where utilities own rights-of-way in fee title, utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation.

6. Utility lines, such as transmission and distribution, shall:
    a. Utilize existing rights-of-way, corridor and/or bridge crossings whenever possible and shall avoid duplication and construction of new parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
    b. Be completely buried under the stream bed in all in-stream crossings except for appropriate water or sewage treatment plant intake pipes or outfalls.
    c. Cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
    d. Be designed to minimize impacts to scenic shoreline views and located where major facilities must be placed in a shoreline area~~.~~
7. Permitted crossings shall utilize pier or open pile techniques.
8. Clearing of native vegetation for the installation or maintenance of utilities shall be kept to a minimum. Upon project completion, disturbed vegetation areas shall be replanted according to the provisions of Section 4.1.3, Vegetation Management. Other disturbed areas shall be replanted with native or other approved species. Replanted areas shall be regularly maintained until established.

4.2.7.6 Regulations – Primary Utility Location and Design

4.2.7.6.1 Water Systems

1. Components of water systems which are not water-dependent shall be located outside shoreline jurisdiction, except waterlines serving shoreline uses or unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.
2. Private and public intake facilities, and wells in the shoreline jurisdiction should be located where there will be no net loss in ecological functions and processes or adverse impacts upon shoreline resources, values, natural features, or other uses. Construction and maintenance activities shall follow best management practices and meet provisions of Section 4.1.6, Water Quality and Stormwater Management.
3. Desalinization facilities shall be located consistent with critical area regulations and buffers in Section 4.1.5, Critical Areas ~~Appendix B~~, except for water-dependent components such as water intakes.

4.2.7.6.2 Sewage Systems

1. Sewage trunk lines, interceptors, pump stations, treatment plants and other components that are not water-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible to the Administrator and the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.
2. Outfall pipelines and diffusers are water-dependent, but should be located only where there will be no net loss in shoreline ecological functions and processes or adverse impacts upon shoreline resources and values.

4.2.7.6.3 Natural Gas Transmission

1. Natural gas pipelines, except local service lines, shall not be located in shoreline jurisdiction unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include analysis of alternative routes avoiding aquatic lands and including alternative technology.
2. Natural gas local service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of water bodies shall not be approved unless alternatives are demonstrated to be infeasible to the Administrator. Application materials shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.
3. Application for natural gas pipelines shall demonstrate that the facilities do not result in a net loss of shoreline ecological functions and processes or significant impacts to other shoreline resources and values.
4. Developers and operators of pipelines and related appurtenances for natural gas are to be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions and processes.
5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.4 Electrical Energy and Communication Systems

1. Energy and communication systems including substations, towers, transmission and distribution lines have critical location requirements, but are not normally water-dependent. System components that are not water-dependent shall not be located in shoreline jurisdiction, except lines serving shoreline uses or unless alternatives are demonstrated to be infeasible to the Administrator. Application materials for such facilities shall include an analysis of alternative routes avoiding aquatic lands, including an analysis of alternative technology.

2. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline, and do not cross water or other critical areas regulated in Section 4.1.5, Critical Areas ~~and defined in Appendix B~~, provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.
3. New or replacement lines that cross water bodies or other critical areas regulated in Section 4.1.5, Critical Areas ~~and defined in Appendix B~~, may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts; provided that maintenance of existing aerial lines may be permitted above ground where alternatives are demonstrated to be impractical and/or infeasible to the Administrator.
4. Poles or other supports treated with creosote or other wood preservatives that may leach contamination in water shall not be used along shorelines or associated wetlands. No new overhead wiring shall be installed between the road and OHWM, where road rights-of-way or easements are within 150 feet and also are parallel to shoreline for more than 500 feet.
5. Utilities for new development within the shoreline shall be installed underground.

4.2.7.6.5 Tidal Energy

1. System components of tidal energy or tidal power-generating facilities which are nonwater-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to the Administrator to be infeasible, and that the facilities do not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resource.

4.2.7.6.6 Fire Protection Facilities

1. Storage and handling facilities for water borne fire fighting or rescue equipment may be permitted on shoreline jurisdiction at locations which are demonstrated to the Administrator to be suitable considering the purpose of the proposal and the policies of this Program.

4.2.7.6.7 Other Essential Public Utility Facilities

1. Other utility processing facilities, such as power plants, that are nonwater-oriented shall not be allowed in shoreline jurisdiction unless no other feasible alternative is available.

4.2.7.6.8 Site Coverage

1. Maximum site coverage for utility development including parking and storage areas shall not exceed standards in the underlying zoning in BIMC Title 18, and shall not exceed fifty percent (50%) in Urban, and thirty-five percent (35%) in Shoreline Residential and Shoreline Residential Conservancy.

4.2.7.7 Regulations – Accessory Utility Location and Design

1. Accessory utility must be subordinate to principal use, such as utilities serving a residential use, and shall meet BIMC 18.09, Use Regulations, in addition to the provisions below.

a. Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.

b. New residences or businesses on the shoreline within two hundred (200) feet of an existing sewer line and/or within an established sewer service area shall be connected to the sewer system. Existing residences shall be connected when the on-site sewage system has reached the end of its useful life.

c. On-site sewage systems shall be located on the landward side of any new residence or business or in a location approved by the Administrator and designed to meet all applicable water quality, utility, and health standards.

d. Accessory utilities shall be located outside of the shoreline area unless no suitable location is feasible. When utility lines require a shoreline location, they shall be placed underground.

5.0 SPECIFIC SHORELINE USE AND DEVELOPMENT POLICIES AND REGULATIONS

Introduction

This section contains policies and regulations for the following shoreline uses: agriculture, aquaculture, boating facilities, commercial development, forest practices, industrial development, mining, residential, recreational development, and residential development. The policies and regulations developed for each shoreline use, or category, are the primary set of criteria for evaluating proposed shoreline development. Some proposals will be subject to provisions of more than one use. Proposed development must also comply with Section 4.0, General (Island-wide) Policies and Regulations and Section 6.0, Shoreline Modification Policies and Regulations provisions.

While not all shoreline uses require a shoreline permit, no development shall be undertaken on the shorelines of Bainbridge Island except those which are consistent with the Shoreline Management Act (Act), applicable state guidelines, and the Master Program.

Shoreline uses which are not specifically identified shall be evaluated on a case-by-case basis for consistency with the Act and the requirements of the Master Program, and shall require a conditional use permit.

5.1 Agriculture

5.1.1 Applicability

These provisions apply to activities which are primarily commercial including cultivation of soil, production of crops, or the raising of livestock. Gardening activities primarily for on-site consumption and maintenance of household pets shall be considered accessory to residential uses.

5.1.2 Policies

1. Agriculture shall not be allowed in the shoreline jurisdiction.

5.1.3 Regulation - General

1. Agriculture is prohibited in the shoreline jurisdiction.

5.2 Aquaculture

5.2.1 Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, and also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. Aquaculture is dependent on the use of the water, and when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. When properly managed, aquaculture can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline. Aquaculture activities may be subject to the regulations found in Section 6.4, Dredging and Dredge Material Disposal, depending on site-specific circumstances. Aquaculture activities will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management~~; and Appendix B, when applicable~~. Other portions of this Program may also apply.

5.2.2 Policies

1. Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements and result in no net loss of ecological functions.
2. Allow experimental forms of aquaculture involving the use of new species, new growing methods, or new harvesting techniques, when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development and uses in areas that affect existing experimental aquaculture.
3. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass or macroalgae, or significantly conflict with navigation and other water dependent uses.
4. Aquaculture facilities should be designed and located to not spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
5. Impacts to ecological functions should be mitigated according to WAC 173-26-201(2)(e) and Section 4.1.2, Environmental Impacts.
6. Give preference to those forms of aquaculture that have less environmental and/or visual impacts. Preference is given to those projects that require fewer submerged or intertidal structures, fewer land-based facilities, limited substrate modification, and that don't rely on artificial feeding.

7. Ensure aquaculture does not cause cumulative impacts.

5.2.3 Regulations - Prohibited

1. Aquaculture is prohibited in the Natural and Priority Aquatic designations, except as provided in Section 5.2.4 (1), below.
2. Aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, parasites, pharmaceuticals, genetically modified organisms, feed or other materials known to be potentially harmful into surrounding waters is prohibited, unless:
   a. When conducted for native population recovery in accordance with government/Tribal approved plan and all state and federal regulations; or
   b. If approved by all appropriate state and federal agencies and proof thereof is submitted to the City.
3. Mechanical and/or hydraulic harvesting or other activities that involve substantial substrate modification shall be prohibited in existing kelp beds or in beds of native eel grass (Zostera marina).

5.2.4 Regulations - General

1. Aquaculture may be allowed as follows:
   a. Aquaculture as a conditional use in Shoreline Residential, Urban, and adjacent Aquatic designations.
   b. Community Shellfish Gardens are allowed as a conditional use in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, and Urban designations, and in adjacent Aquatic designations.
   c. Individual Shellfish Gardens are allowed in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential and Urban shoreline designations and in adjacent Aquatic designation Priority B. They also are allowed in Aquatic Priority A when for the recovery of native populations, restoration, or personal use.
2. When a shoreline conditional use permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm, and shall be valid for the period specified in the permit.
3. Aquaculture shall avoid:
   a. A net loss of ecological functions or processes;
   b. Adverse impacts to eelgrass and macro algae;
   c. Significant conflicts with navigation and water-dependent uses;
   d. The spread of disease to native aquatic life;

e. Establishing new non-native species that cause significant ecological impacts;

f. Significant impacts to shoreline aesthetic qualities; and/or

g. Significant modifications of the substrate.

5.2.5 Regulations – Design Standards

1. Floating and submerged aquaculture structures shall be located to avoid or minimize interference with navigation and the normal public use of the surface waters. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body. Netting and fencing shall be the minimum necessary to deter targeted predators and shall not exceed six (6) feet in height, as measured from water surface.

2. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located landward of the OHWM, upland of water-dependent portions of the project, and shall avoid or minimize detrimental impacts to the shoreline.

3. Hatchery and other aquaculture operations shall be required to maintain a vegetated buffer zone along the affected stream as prescribed in Section 4.1.5~~Appendix B,~~ provided that clearing of vegetation shall be permitted for essential water access points.

4. Onshore support structures shall meet the height and setback standards established in Table 4-2, Site Development Dimensional Standards Table, except that reduced setbacks may be permitted through a shoreline variance where necessary for the operation of hatcheries and rearing ponds.

5. The following shall be limited to the minimum size or number necessary for approved aquaculture development, uses, and activities:

   a. Submerged or intertidal structures.

   b. Land-based facilities.

   c. Structures which modify substrate.

6 Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts. All materials, including those used for incidental aquaculture for personal consumption, shall be marked with owners' contact information to provide identification after storm disturbance. All floating and submerged aquaculture facilities in navigable waters shall comply with all applicable state and federal requirements.

7. Floating aquaculture facilities may require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's Aquacultural Siting Study (1986), as updated. Such analysis may be prepared by the applicant without

professional assistance, provided that it includes an adequate assessment of impacts, as determined by the Administrator.

8. For aquacultural projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock, provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City, based upon written findings and without requiring a variance, may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark. A temporary sanitation station may be allowed on fixed overwater pier structures when utilities are not available within a reasonable distance.

9. Shellfish Gardens for personal consumption are allowed on private lands provided the following can be met:

   a. They comply with all state and federal regulations, including transfer and harvest permits required by WDFW.

   b. The cultivation and harvesting is limited to native species of shellfish acquired from a licensed source consistent with state law; and

   c. The operation may utilize bottom culture or off-bottom culture bags if in accordance with best management practices and it does not significantly alter the tidal bed.

5.2.6 Regulations – Operational Standards

1. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Aquaculture operations that do not conform with this master program are considered discontinued if the use has ceased for a period of more than five (5) years.

2. Operational monitoring may be required if and to the extent that is necessary to determine, ensure, or confirm compliance with predicted or required performance, including periodic benthic analysis or noise pollution monitoring in accordance with BIMC Chapter 16.16. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.

3. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by

these provisions and the policies and regulations of other applicable sections of the Master Program, in particular, provisions addressing commercial and industrial uses.

4. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation [BIMC Chapter 8.16].

5. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, fencing or netting for otters. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6. All nets shall be maintained in accordance with all applicable state and federal requirements. If a state or federal permit is not required, cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and applications.

5.2.7 Commercial Geoduck Requirements

1. In addition to other provisions in Section 5.2, commercial geoduck aquaculture will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv). Where there is inconsistency between the provisions in 5.2.1, 5.2.2., 5.2.3, 5.2.4, 5.2.5, 5.2.6 or 5.2.7 and the geoduck provisions, the specific commercial geoduck provisions apply.

2. A conditional use permit is required for all new commercial geoduck aquaculture and conversions from existing non-geoduck aquaculture to geoduck aquaculture. CUPs for new commercial geoduck and conversions will be administered consistent with WAC 173-26-241(3)(b)(ii), (iii), and (iv).

5.3 Boating Facilities

5.3.1 Applicability

Boating facilities include marinas (both backshore and foreshore, dry storage, and wet moorage and open water types), boat launch ramps, covered moorage, marine railways, and marine travel lifts (Refer to Section 8.0, Definitions). Community, yacht club, camp, and resort moorage facilities must comply with boating facility requirements if they provide moorage for six (6) or more vessels. Both marina and non-marina boating facilities, including single-family, must comply with Section 4.0, General (Island-wide) Policies and Regulations, including the standards in Table 4-1 through 4-3, Section 3.0, Shoreline Designation Policies and Regulations, and Section 6.3, Overwater Structures. Boating facilities development will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed

under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales and rental, repair services, boat launches, bait and tackle shops, potable water, waste disposal, administration, parking, and grocery and dry good shops. Uses which are not clearly accessory are also subject to the respective provisions in this section. (Examples might include commercial, industrial, or transportation facilities.)

Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in BIMC Chapters 12.24, Waterfront Park and Other City Harbors, and 12.40, Watercraft and Floating Homes, and may also apply. See Section 6.3.7.7 and 8, for regulations governing mooring buoys. Boating facility development and/or renovation shall comply with all other applicable state and federal agency policies and regulations including, but not limited to, the Department of Fish and Wildlife, Washington Department of Natural Resources, Federal Marine Sanitation standards (Environmental Protection Agency 1972) requiring water quality certification from the U.S. Army Corps of Engineers (33 USC § 403), U.S. Army Corps of Engineers dredging standards (33 USC § 404), and state and federal standards for the storage of fuels and toxic materials.

5.3.2 Goal

Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state.

5.3.3 Policies

1. Locate new or expanding boating facilities only where suitable environmental conditions are present. Avoid:
    a. Critical saltwater habitat, including kelp beds, eelgrass beds, spawning areas for forage fish (such as herring, surf smelt and sandlance);
    b. Subsistence, commercial and recreational shellfish beds;
    c. Mudflats or intertidal habitats with vascular plants;
    d. Areas with which priority species have a primary association;
    e. Areas which have been identified as hazardous due to storm tides, high winds, or flooding; and
    f. Embayments with poor flushing action.

2. Design and locate boating facilities to minimize adverse effects upon shoreline processes such as erosion, littoral or riparian transport, and where feasible, enhance degraded, scarce, and valuable shore features including accretion shoreforms.

3. Design, locate, construct, and maintain boating facilities to:

   a. Avoid adverse proximity impacts such as noise, light and glare; and

   b. Assure that their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views from adjacent shoreline properties or the public's visual access to the shore~~;~~

   c. Assure vegetation screening should be utilized to reduce visual impacts of associated parking and storage

4. Consider regional as well as local needs when determining the location of marinas and boat launches. Identify potential sites near high-use or potentially high-use areas.

5. Minimize displacement of limited shoreline resources by considering:

   a. Expanding existing marinas over adding new marina sites;

   b. Developing marinas and launch ramps over developing individual docking facilities for private, noncommercial pleasure craft; and

   c. Utilizing launching ramps and water-dependent dry storage or other new technologies over year-round wet-moorage.

6. Ensure the location and design of boating facilities does not unduly obstruct navigable waters, and avoids adverse effects to recreational opportunities or the use and enjoyment of the water or beach of adjoining properties.

7. Design, locate and construct new marina facilities to accommodate public access and enjoyment of the shoreline, including provisions for walkways, view points, restroom facilities, and other recreational uses according to the scale of the facility.

8. Encourage innovative construction techniques and methods of foreshore marinas to prevent degradation of fish and/or shellfish resources and habitat.

9. Require the installation and maintenance of sewage disposal (pump-out) facilities or services. These should be conveniently available to all users of marina facilities.

10. Prohibit floating houses. Allow live-aboard vessels only in those limited circumstances where their environmental and use impacts can be substantially avoided, minimized, or mitigated.

11. Ensure transient moorage is made available, with most of this need being met through use of short-term vacancies.

12. Work with the City Harbor Commission to establish regulations governing a uniform speed code, harbor safety, and harbor navigation through amendments to the municipal code.

5.3.4 Regulations - Prohibited

1. Boating facilities in the Shoreline Residential Conservancy, Island Conservancy, Natural, and Priority Aquatic designations, except that boating facilities may be permitted as a conditional use in public parks designated Island Conservancy.
2. Backshore marinas involving the creation of a basin for wet moorage.
3. Covered moorage.
4. Floating homes.

5.3.5 Regulations - General

1. Boating facilities, including marinas, shall be allowed as follows:
   a. Boating facilities shall be permitted in the Urban designation and allowed as a conditional use in the Shoreline Residential designation.
   b. Boating facilities in the Aquatic designation are allowed as-permitted in the adjacent upland designation pursuant to Table 4-2.
   c. One (1) public open water moorage and anchorage area shall be a permitted in the Aquatic designation located in Eagle Harbor.
2. Accessory uses at a marina or public launch ramp shall be limited to those which are water-dependent, related to boating, necessary for marina operation, or which provide physical or visual shoreline access to a substantial numbers of the general public. Accessory uses shall be consistent in scale and intensity with the marina and/or launch ramp and surrounding uses.
3. All marina developments shall provide boater education addressing boater impacts on water quality and other shoreline resources, and boater safety and requirements for boater use of sewage pump-outs to their marina users.
4. Live-aboard vessels, including houseboats, shall be permitted only in marinas. No more than 10% of the surface area of a marina or 10% of its slips, whichever is less, shall be devoted to live-aboard vessels, including houseboats, except that the percentage of live-aboard vessels in marinas may be increased through an approved conditional use permit. [WAC 332-30-171 or its successor]

5.3.6 Regulations - Location

1. When new marina sites are considered, sufficient evidence must be presented to show there is a regional demand and existing marinas are inadequate and cannot be expanded to meet regional demand.
2. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds or commercial aquaculture operations. The specific distance shall be determined in conjunction with the Washington State Department of Health Services, the Washington State Department of Ecology, and other agencies with expertise. Criteria for determining the specific distance may include:
    a. The size and depth of the water body;
    b. Tidal flushing action in the project area;
    c. Size of the marina and projected intensity of use;
    d. Whether fuel will be handled or stored;
    e. Location of a sewer hook-up; and
    f. Expected or planned changes in adjacent land uses that could result in additional water quality impacts or sanitary treatment requirements.
3. Marinas shall be allowed only on stable shoreline areas where water depth is adequate to eliminate or minimize the need for channel dredging (for construction or maintenance), soil disposal, filling, beach enhancement, and other harbor and channel maintenance activities.
4. Marinas shall be located only in areas where there is adequate water mixing and flushing and shall be designed so as not to reduce or negatively influence flushing characteristics.
5. Boating facilities shall not require fixed breakwaters.
6. Marinas shall be clearly separated from beaches commonly used for swimming and shall provided signage and provide protection measures to insure the safety of swimmers.
7. Marinas shall not be located at or along:
    a. Significant littoral drift cells, including resource material areas, such as feeder bluffs and accretion beaches, barrier beaches, points, sand spits and hooks; or
    b. Wetlands, marshes, bogs, swamps and lagoons; or
    c. Mud flats and salt marshes; or
    d. Fish and shellfish spawning and rearing areas.
8. Marinas shall not extend waterward farther than the following limits:

a. The Construction Limit Line or the Harbor Structure Limit Line as depicted in Appendix E; except the public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line.

b. Where no limit line is depicted, not more than two hundred (200) feet beyond extreme low tide, the 18 MLLW depth contour, or the line of navigation whichever is closer to the shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public. [WAC 332-30-122(1)(ii) or its successor]

5.3.7 Regulations – Design/Renovation/Expansion

1. Proposals for marinas shall include public launch facilities unless the applicant can demonstrate that providing such facilities is not feasible.
2. Boating facilities shall be designed, constructed and maintained to:
   a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water;
   b. Minimize interference with geo-hydraulic processes and disruption of existing shore forms;
   c. Be aesthetically compatible with existing shoreline features and uses;
   d. Avoid adverse proximity impacts such as noise, light and glare;
   e. Include vegetative screening for parking, and upland storage areas and facilities consistent with landscaping standards for parking lots as prescribed in BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening, and Tree Retention, Protection, and Replacement; and
   f. Include public restrooms, accessory parking or other recreational uses according to the scale of the facility.
3. Short-term loading/unloading areas and hand-launch storage areas may be located at ramps or near berthing areas and should be constructed of pervious material. Long-term parking and dry moorage and all other storage areas shall be set back at a distance of one-hundred (100) feet from the OHWM.
4. Public access, both visual and physical, such as viewpoints or walkways, shall be an integral part of all marina design and development commensurate with the particular proposal and must meet the standards of Section 4.2.4, Public Access.
5. Innovative construction techniques and construction methods of foreshore marinas may be allowed when demonstrated to the satisfaction of the Administrator that the design will prevent degradation of fish migration, critical saltwater habitat and/or shellfish resources.

5.3.8 Regulations - Utilities

1. All marinas shall have accessible boat sewage disposal systems or other pump-out services available on site. Existing marinas shall comply within one (1) year of the effective date of this regulation.
2. The marina shall provide facilities for the adequate collection and dumping of marina originated materials, including but not limited to, sewage, solid waste, and petroleum waste.
3. All marinas shall provide restrooms for boaters' use, including upland or floating facilities supporting open water moorage and anchorage areas. Upland restrooms shall be located within seventy-five (75) feet of the landward end of the dock or pier and floating restroom facilities shall be located to conveniently serve the tenants. Restrooms shall be identified by signs and be accessible to tenants twenty-four (24) hours a day.
    a. Marinas with fewer than ten (10) slips shall provide one (1) toilet and hand washing facility
    b. Marinas with ten (10) to one hundred (100) slips shall provide one (1) toilet and hand washing facility for each gender.
    c. Marinas exceeding one hundred (100) slips shall provide an additional toilet and lavatory for each gender
    d. Existing marinas shall comply within one (1) year of the effective date of this regulation.
4. Distribution systems for plumbing and wiring at a marina site shall be placed at or below ground and dock levels, in accordance with national marine standards.
5. Public boat launch facilities shall provide and maintain at least one restroom or portable toilet; required number may increase based on projected level of service.
6. Public boat launch facilities that also include a public dock shall provide and maintain a dump station.

5.3.9 Regulations – Management and Operations

1. The discharge of sewage and/or toxic material from boats and/or shore installations is prohibited. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste, and petroleum waste is that of the marina operator. An emergency spill kit and use instructions shall be provided for tenants in an easy to access are and be accessible twenty-four (24) hours a day.
2. Commercial fish or shellfish processing discharge or discarding of unused bait, scrapfish, or viscera shall be prohibited.
3. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated, protected, and posted.

4. If dredging at marina entrances changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate as determined by a geo-hydraulic study, paid for by the operator or owner and completed to the satisfaction of the Administrator.
5. Temporary vacant moorage spaces shall be made available for "transient moorage" (less than two-week stay) when at least one of the following applies:
    a. The marina is owned, operated, or franchised by a governmental agency for use by the public;
    b. The marina provides more than three thousand (3,000) lineal feet of moorage; or
    c. The marina is part of a mixed-use development which includes restaurants or other water-enjoyment uses.
6. Additional transient moorage requirements may be established for Eagle Harbor in the Winslow Master Plan.
7. Marina operators shall execute a lease, contract, or deed which establishes permission to use a slip for a stated period of time and which establishes conditions for use of the slip, including the requirement that all boats meet applicable sanitation regulations.
8. Live-aboard vessels must comply with all marine regulations, policies and procedures of the Coast Guard, federal and state governments which pertain to health, safety and/or environmental protection. Proof of seaworthiness of the vessel and the adequacy of the mooring arrangement must be provided and laws governing all the citizens of Bainbridge Island must be obeyed.
9. New marinas shall meet the following before occupancy, and existing marinas shall comply with the following within one (1) year from adoption of this program:
    a. Marinas which dispense fuel shall have adequate facilities and establish posted operational procedures for fuel handling and storage to prevent/minimize accidental spillage.
    b. Marinas shall have facilities, equipment, such as emergency spill kits, and established posted procedures for containment, recovery, and mitigation of spilled petroleum, sewage, and toxic products.
    c. Marina operators shall post signs where they are readily visible to all marina users describing regulations:
        i. Pertaining to handling and disposal of waste, wastewater, toxic materials, and recycling;
        ii. Prohibiting the use of marine toilets (i.e., no untreated sewage discharge);
        iii. Prohibiting the disposal of fish and shellfish cleaning wastes; and

iv. Describing best management practices (BMPs) for boat maintenance and repairs on site.

d. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site.

e. Marina docks shall be equipped with adequate lifesaving equipment such as:

i. Life rings, hooks, ropes and ladders, or equivalent, on the end of fingers; and/or

ii. One ladder (per side) either every one hundred (100) linear feet of the dock, or every six (6) slips whichever is greater. This regulation does not apply to a float which is less than one hundred (100) feet from a shoreline; or

iii. At least one ladder to serve a float with six (6) or more slips and is one hundred (100) linear feet in length or less.

5.3.10 Regulations – Boat Launches (includes marine railways)

5.3.10.1 Regulations - Prohibited

1. Boat launches are prohibited in

a. Significant littoral drift cells, including resource material areas such as feeder bluffs and accretion beaches, points, spits and hooks; except for a public launch as provided for in section 5.3.10.2(2).

b. Wetlands, marshes, bogs, swamps, and lagoons;

c. Mud flats and salt marshes; and

d. Fish spawning and rearing areas and commercial or recreational shellfish areas.

5.3.10.2 Regulations – Design and Location

1. Launch ramps shall be:

a. Located on stable shorelines where water depths are adequate to eliminate or minimize the need for:

i. Offshore or foreshore channel construction dredging; or

ii. Maintenance dredging; or

iii. Spoil disposal; or

iv. Filling; or

v. Beach enhancement; or

vi. Other harbor and channel maintenance activities.

b. Located in areas where there is adequate water mixing and flushing; and

c. Designed so as not to retard or negatively influence flushing characteristics.

2. For public launch ramps, innovative or hinged boat launches may be permitted on marine accretion shoreforms, provided that continual grading is not required. When grading is permitted it must not adversely affect ecological functions and ecosystem-wide processes. Accessory facilities shall be located out of critical areas.
3. Public boat launches may be allowed on stable banks where current deflectors or other stabilization structures will not be necessary.
4. Boat launches shall not be permitted where the upland within twenty-five (25) feet of the OHWM has a slope that exceeds twenty-five percent (25%) grade and/or where substantial cutting, grading, filing, or defense works is necessary.
5. Boat launches, minor accessory buildings, and haul-out facilities shall be designed to be in character and scale with the surrounding shoreline.
6. Boat launches shall be built from flexible, hinge-segmented pads which can adapt to changes in beach profiles, unless a solid structure is demonstrated to be more appropriate for the intended level of use.
7. Boat launches shall be placed and kept near flush with the foreshore slope to minimize the interruption of geo-hydraulic processes and critical saltwater habitat.
8. Marine railways for boat launching shall be located the minimum distance necessary above existing grade to minimize impact on littoral drift and navigation along the shoreline.
9. Boat launch facilities shall be clearly separated from beaches commonly used for swimming and shall provide signage and provide protection measures to insure the safety of swimmers.

5.4 Commercial Development

5.4.1 Applicability

Uses associated with commercial development which are identified as separate uses in the Master Program are also subject to those regulations. Examples are industry, boating facilities, transportation facilities, and utilities. Commercial development and related shoreline modification activities, such as piers, docks, and bulkheads, will be reviewed under the no net loss provision of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 3.0, Shoreline Designation Policies and Regulations, including the standards in Tables 4-1 through 4-3. Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, as applicable. Other portions of this Program may also apply.

5.4.2 Policies

1. Design and operate commercial uses, activities, and developments to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes. Encourage restoration of impaired ecological functions and ecosystem-wide process as mitigation for commercial development.
2. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should be given to water-dependent uses, over water-related and water-enjoyment uses.
3. Discourage non-water-oriented commercial uses unless the use contains a mix of commercial and residential development that also includes either a public use benefit (open space, shoreline access, recreation), or a water-enjoyment commercial use.
4. Prohibit commercial developments over water unless the use is water-dependent and requires overwater development.
5. Locate new commercial development in shoreline areas with existing, compatible commercial uses and in a manner that will promote infill.
6. Provide physical or visual access to the shoreline as part of all new commercial development. Existing development should be required to provide public access amenities when building improvements are proposed. Incentives should be provided for commercial use proposals to include additional public amenities
7. Ensure commercial development is aesthetically and acoustically compatible with the surrounding areas.
8. View protection, both to the water and from the water, should be considered in the design and review of commercial development.

5.4.3 Prohibited

1. Nonwater-oriented commercial uses, except as provided in Section 5.4.4.

5.4.4 Regulations- General

1. Commercial uses should be located on shorelines with existing compatible commercial uses and regulated in the shoreline designations as follows:
    a. Water-oriented commercial use and development shall be permitted in the Urban designation-and may be allowed under a conditional use permit in the Shoreline Residential designation.
    b. Water-dependent commercial development that requires an over-water location may be permitted in the Aquatic designation when permitted in the upland environment.

c. Nonwater-oriented commercial uses are prohibited in the shoreline except as provide in d. or as follows:

i. As a conditional use in the Urban designation when located on a site physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and

ii. As a permitted use if located in a mixed-use development in the Urban designation as subordinate to a more dominant water-oriented commercial, residential or recreational use contained in the same development, and which also provides significant public benefit amenities such as public open space or recreation, public access, or shoreline restoration.

iii. The requirements of this section shall not apply to those nonwater-oriented commercial uses located on a site physically separated from the shoreline where access to the land/water interface is precluded.

d. Water-Oriented and non-water oriented commercial uses may be permitted in a mixed-use development within the Mixed Use Town Center districts provided:

i. The site is physically separated from the shoreline by another property in separate ownership or by a public-right-of-way such that water access is precluded, provided that the property conditions were lawfully established prior to the effective date of this Program; and

ii. Water-oriented commercial or non-water oriented commercial development is subordinate to the residential use.

2. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.

3. Where commercial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.

4. New commercial development and redevelopment shall provide public access in conformance with the Public Access requirements of Section 4.2.4.

5. When permitted, proposals that include nonwater-oriented commercial uses shall provide a significant public benefit in addition to any required public access, as follows:

a. Additional public access in the form of unrestricted open space. The Administrator shall determine the amount of access on a case-by-case basis in

accordance with the provisions of Section 4.2.4, Public Access – Visual and Physical.

b. If no water-oriented commercial uses are located on or adjacent to the water as part of a mixed use development, eighty percent (80%) of the shoreline and associated buffers shall be preserved or restored to provide shoreline ecological functions and processes that approximate the functions provided by the site in natural conditions.

c. The requirements in regulation (a) and (b) may be modified when:

   i. The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or

   ii. Specific findings are made demonstrating that the size of the parcel and the presence of adjacent uses preclude restoration of shoreline ecological functions and processes. Where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this Program.

d. Where restoration is proposed, buffers shall be designed as appropriate to protect shoreline resources based on a specific restoration plan and may differ from the standard buffer dimensions provided in Table 4-3, provided that the building envelope for the proposed nonwater-oriented use shall be based on current site conditions.

5.4.5 Regulations – Design and Location

1. The design and location of commercial facilities shall meet the following:

   a. Those portions of the commercial development which are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designations Policies and Regulations, Section 4.1.6, Water Quality and Stormwater Management, and Dimensional Standards Table 4-2.)

   b. Water-dependent commercial development shall be designated and operated to promote joint-use of overwater and accessory facilities such as:

      i. Piers;

      ii. Docks;

      iii. Storage;

      iv. Restrooms; and

v. Parking.

c. When demonstrated, to the satisfaction of the Administrator, not to be feasible the requirements of Section 5.4.5 (1)(a) and (b) may be reduced in scope or waived.

5.5 Forest Practices

5.5.1 Applicability

Forest Practices are primarily regulated by the Washington Department of Natural Resources under WAC Title 222 or its successor pursuant to the Forest Practices Act (RCW 76.09 or its successor). This section supplements those regulations. Activities which are not regulated under the Forest Practices Act are subject to clearing and grading provisions in Section 4.1.4, Land Modification. Forest Practices are subject to Section 3.0, Shoreline Designation Policies and Regulations, Section 4.0, General (Island-wide) Policies and Regulations, and Section 6.0, Shoreline Modification Policies and Regulations of this Program. Forest Practices and related activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, and BIMC Chapter 16.22, Vegetation Management, when applicable. Other portions of this Program may also apply.

5.5.2 Policies

1. Rely on the Forest Practices Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial operations within the shoreline jurisdiction.
2. Ensure timber harvesting is conducted in a manner that does not cause adverse impacts to shoreline ecological functions or ecosystem-wide processes and avoids impacts to navigation, recreation, and public access.
3. Limit timber harvesting in all shoreline areas to selective cutting which protects the shoreline as a scenic value. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.
4. Accomplish revegetation in shorelines as quickly as possible in accordance with the provisions of the Forest Practices Act. Provisions for forest conversion proposals (Class IV Permits regulated under the Forest Practices Act and locally) are in Section 4.1.3.4, Vegetation Management; Regulations – Exceptions of this Program.

5.5.3 Regulations - General

1. Under the authority of planning and zoning granted to the city under RCW 76.09.240, the city of Bainbridge Island considers all forested areas within its jurisdiction as "lands with a likelihood of future conversion" from forest use as defined under WAC 222-16-060.

2. Conversion of forest land to non-forestry uses (Class IV – General Forest Practice Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the provisions in the Shoreline Master Program and shall be subject to any permit requirements associated with the non-forestry use.

    a. Timber harvesting shall not be permitted until local plat approval or other applicable land use authorization has been given, and any required shoreline permits have been issued for the land division(s) or intended use(s).

3. All timber harvesting and forest practices except conversions conducted with a Class IV— General permit shall comply with the current rules and regulations adopted under the Forest Practices Act and the Timber, Fish, and Wildlife agreement or their successors.

4. Timber harvesting and forest practices conducted under a Class II, III, or IV Special permit from the Department of Natural Resources shall not be regulated by this Program and shall not require a shoreline permit. These permit categories shall only be authorized for lands that meet the definition DNR forestland, including any policies of DNR relating to proximity of structures to hazard trees.

5. Site preparation by burning and scarification piles shall be prohibited within shoreline jurisdiction.

6. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed as conditional use applications. Such failure to declare intent to convert on the application may provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from the date of the Forest Practices application approval, [RCW 76.09.060(3)(b)(i) or its successor].

7. Commercial timber cutting within the shoreline jurisdiction shall be by selective harvest and shall not exceed thirty percent (30%) of the merchantable trees in any ten-year period as required by WAC 222-30-110.

5.6 Industrial Development

5.6.1 Applicability

Industrial development, uses and activities that are identified as separate uses but associated with industrial development or use, are subject to the following provisions; Examples include transportation facilities, utilities, dredging, landfill, piers and docks, and bulkheads. Industrial development-will be reviewed under the no net loss provisions of Section 4.1.2, Environmental Impacts, Section 3.0, Shoreline Designation Policies and Regulations, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0 Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and

BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

5.6.2 Policies

1. Review new industrial proposals with consideration of regional and state-wide needs for industrial facilities, as well as in allocating shorelines for such development. Coordinate with port districts, adjacent counties and cities and the state in order to minimize new industrial development that would unnecessarily duplicate under-utilized facilities elsewhere in the region, or result in unnecessary adverse impacts on other jurisdictions.
2. Encourage expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed-use development in lieu of the addition and/or location of new or single-purpose industrial facilities.
3. Strongly encourage joint use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities in waterfront industrial areas.
4. Design and locate industrial development to avoid or minimize adverse impacts to ecological functions and ecosystem-wide processes.
5. Require new industrial development to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, when such access does not cause significant interference with operations or hazards to life and property.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development is already permitted. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.
7. Limit new industrial uses to existing industrial or water dependent commercial sites, such as marinas, where that use is consistent with the shoreline designation. Preferred industrial sites should be limited to water-oriented uses, and should encourage the development of preferred industrial uses, such as small boat haul-out and repair facilities, vessel fueling facilities and water-oriented industry serving local boating needs.
8. Discourage nonwater-oriented uses unless the use is located in a mixed-use development containing a public use benefit such as open space or recreation use, and includes a water-oriented commercial use.

5.6.3 Regulations – Prohibited

1. Storage and/or disposal of industrial wastes within shoreline jurisdiction.
2. Log storage in water.
3. Nonwater-oriented industrial development.

5.6.4 Regulations - General

1. Water-dependent industry shall be permitted in the Urban designation, and those portions of the Aquatic designation which are waterward of the Urban designation, and shall be prohibited in all other designations. Water-related industry shall be a conditional use in the Urban designation and prohibited in all other designations. Nonwater-oriented industry shall be prohibited in all designations.
2. Where industrial development is allowed, it shall be located, designed and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and ecosystem-wide processes.
    a. Water-dependent industrial uses, such as small boat haul-out and repair facilities, or vessel fueling facilities, shall be given preference over water-related and water-enjoyment industrial and port uses.
    b. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator makes the determination that the proposed design, layout and operation of the use or development meets the definition and intent of the water-dependent, water-related or water-enjoyment designation.
3. Proposed industrial development shall be consistent with any applicable comprehensive waterfront and/or long-range harbor development plans, and should be coordinated with applicable adopted regional and state plans.
4. New industrial development shall be compatible with existing adjacent uses of the shoreline designation in which it is located.
5. Proposed industrial development shall:
    a. Be located to maximize the use of legally established, existing industrial facilities; and
    b. Be located in areas where environmental cleanup and restoration can be accomplished; and
    c. Avoid duplication of pier and dock facilities before expanding into undeveloped areas or building new facilities.
6. Water-related industrial development shall be set back from the OHWM a sufficient distance to avoid disturbance of the Shoreline Buffer or Shoreline Vegetation Management Area. (See and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3 Vegetation Management; and Tables 4-1 through 4-3, for dimensions.)
7. Accessory industrial development which does not require a location at or near the water's edge shall be located upland of the water-dependent portions of the development, and

outside of the Shoreline Buffer or Vegetation Management Area as established in Section 4.0, General (Island-wide) Policies and Regulations and Table 4-3.

8. New industrial development that includes offshore facilities, floating docks and deep-water port expansion, shall be permitted by conditional use permit, and only when it can be demonstrated that:
    a. Such development is fundamental for the allowed industrial operation; and
    b. Such development results in no net loss of shoreline ecological functions or ecosystem-wide processes.
9. At new or expanded port and/or industrial developments the best available facilities practices and procedures, as specified by state and local agencies, shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective clean-up of those spills that do occur.

5.6.5 Regulations - Design and Location

1. The design and location of industrial facilities shall meet the following:
    a. Those portions of the industrial development that are accessory to and not considered water-dependent and/or do not require direct contact with the water shall be set back from the shoreline at a sufficient distance to minimize impacts to water quality, to other shoreline uses and to the shoreline as a scenic view. (See Section 3.0, Shoreline Designation Policies and Regulations; Section 4.1.6, Water Quality and Stormwater Management; and Tables 4-1 through 4-3.)
    b. Industrial facilities shall be designed and operated to promote joint use of over-water and accessory facilities, whenever practicable, such as:
        i. Piers
        ii. Docks
        iii. Storage
        iv. Restrooms; and
        v. Parking.
    c. Consistent with provisions in Section 4.2.4, Public Access – Visual and Physical, ports and/or water-dependent industry shall provide public access to the shoreline.
    d. Documentation of compliance with noise standards of BIMC 16.16.
2. Display and other exterior lighting shall be designed and operated to minimize glare impacts to nearby properties and local traffic, and shall meet the lighting standards of BIMC Section 18.15.040.

5.6.6 Regulations – Ship and Boat Building and Repair Yards

1. Boatyards and mobile services shall employ best management practices (BMPs) concerning the various services and activities performed and to address potential impacts on the surrounding water quality. Standards for BMPs shall be found in the Washington State Department of Ecology's most recent editions of the "*Boatyard General Permit, National Pollution Discharge Elimination System (NPDES)*" and the "*Storm Water Pollution Prevention Plan for Facilities Covered Under the Boatyard General Permit*".

5.7 Mining

5.7.1 Applicability

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations.

5.7.2 Policies

1. Mining is prohibited within the shoreline jurisdiction.

5.7.3 Regulations - General

1. Mining, including the excavation of sand, gravel, and other minerals, shall be prohibited within the shoreline jurisdiction.
2. Impacts to shorelands and water bodies due to mining operations upland of the shoreline jurisdiction shall be minimized and meet "no net loss" provisions of Section 4.1.2, Environmental Impacts.

5.8 Recreational Development

5.8.1 Applicability

These provisions apply to recreational development, not to casual use of undeveloped open space. They also apply to both publicly- and privately-owned facilities intended for use by the general public, private clubs, groups, associations, or individuals. Recreational development will be reviewed under the "no net loss" provisions of Section 3.0, Shoreline Designation Policies and Regulations; Section 4.0, General (Island-wide) Policies and Regulations; Tables 4-1 through 4-3; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 6.0, Shoreline Modification Policies and Regulations; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, Chapter 16.16 Noise

Impacts and BIMC Section 18.15.040 Lighting Impacts, when applicable. Other portions of this Program may also apply.

5.8.2 Goal

Provide substantial recreational opportunities for the public along the shoreline and manage the development of recreational uses to assure that shoreline ecological functions and ecosystem-wide processes are not adversely impacted.

5.8.3 Policies

1. Recognize public recreation on public lands as a preferred use of the shoreline. Water-dependent recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged.
2. Encourage the coordination of local, state, and federal recreation planning to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
3. Encourage a variety of compatible recreational experiences and activities to satisfy diverse recreational needs. The location and design of shoreline recreational development should relate to local population characteristics, density, and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities, as well as public transit access and access for the physically impaired, where planned or available.
4. Identify shoreline areas with potential for recreation or public access. Acquire identified areas through lease, purchase, or easement, and incorporate these areas into the public park and open space system.
5. Where feasible, link shoreline parks, recreation areas, and public access points as linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives.
6. Locate, design and operate recreational development to facilitate appropriate use of shoreline resources while also conserving those resources by minimizing adverse impacts to ecological functions and ecosystem-wide processes. Design recreational development to preserve, enhance or create scenic shoreline views and vistas.
7. Where appropriate, passive recreational uses may be permitted in floodplain areas.
8. Encourage the use of shoreline road-ends and publicly-owned lands for public shoreline access and promote the development of shoreline recreational opportunities in suitable areas.
9. Limit or prohibit shoreline use of off-road recreational vehicle or recreational water equipment, such as jet skis and wake boards, where needed to protect the ecological functions or ecosystem-wide processes of the shoreline or protect sensitive wildlife habitat areas.

10. Ensure all recreational developments make adequate provisions for:
    a. Vehicular and pedestrian access, both on-site and off-site;
    b. Proper wastewater and solid waste disposal methods;
    c. Security and fire protection;
    d. The prevention of overflow and trespass onto adjacent properties, including but not limited to, landscaping, fencing, posting of property and screening (through native vegetation or shoreline buffers) of such development from adjacent private property.
11. Ensure trails and pathways on landslide hazard areas are located, designed, and maintained to protect bank stability.
12. Protect and restore publicly-owned natural resource areas located within the shoreline area and include public access and public use as appropriate for the particular resource area.
13. Promote shoreline conservation through acquisition, preservation, and rehabilitation of important natural areas and manage natural areas of public shoreline parks to protect and restore ecological functions, values and features.
14. Use best management practices and low impact development technologies in the construction, maintenance or renovation of recreational grounds or facilities of public shoreline parks.
15. Incorporate opportunities for educational and interpretive information regarding shoreline ecological functions and ecosystem-wide processes in the design and operation of public recreation facilities and other amenities such as nature trails.

5.8.4 Regulations – Prohibited

1. Motorized vehicular access on all beaches and spits, except at approved boat launching facilities (Section 5.3, Boating Facilities).
2. Golf courses in the Natural designations.
3. Golf course fairways which cross streams.
4. Use of fertilizers, pesticides, or other toxic chemicals is prohibited unless an exception is provided pursuant to Section 4.1.6, Water Quality and Stormwater Management.
5. The use of jet skis and similar recreational equipment shall be prohibited in the Priority Aquatic Categories A and B designations.

5.8.5 Regulations - General

1. Water-oriented recreational development is a priority use of the shoreline, and the primary focus shall be to provide access to and enjoyment of the water and shorelines of

the state and shall be consistent with the development regulations for the shoreline designation in which it occurs. Valuable shoreline resources and fragile or unique areas such as marshes, bogs, swamps, estuaries, wetlands, and accretion shoreforms (such as sand spits or accretion beaches), shall be used only for passive and nondestructive recreational activities.

a. Active water-oriented recreational uses shall be consistent with the shoreline designation in which it is being proposed and shall be permitted in the Island Conservancy, Shoreline Residential Conservancy, Shoreline Residential, Urban, and Aquatic designation. Active recreational development is prohibited in the Priority Aquatic designation; however, vessels shall be allowed:

   i. As provided in BIMC 12.40.060; or

   ii. In Priority Aquatic Category B when:

      A. Operated at 5 knots or less or such that a wake is not created; and

      B. Operated at a noise decibel that does not cause adverse impact to wildlife.

b. Recreational development to accommodate passive (non-intensive) water-dependent and/or water-oriented recreational or educational uses shall be allowed as a conditional use in the Natural designation, except public trails and public stairways are permitted as a shoreline substantial development or shoreline exemption, when designed to minimize adverse environmental impacts in accordance with Section 4.1.2 Environmental Impacts.

c. Passive recreational development shall be allowed in the Priority Aquatic designation;

2. Water-oriented recreational use and/or development shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have adverse impacts on other shoreline uses, resources and/or values such as navigation and public access, and will provide mitigation in accordance with Section 4.1.2, Environmental Impacts.

3. Activities provided by recreational facilities must have a substantial relationship to the shoreline, or provide physical or visual access to the shoreline. Facilities for water-dependent recreation such as fishing, clamming, swimming, boating, and wading, and water-related recreation such as picnicking, hiking, and walking should be located near the shoreline, while non-water-related recreation facilities shall be located upland.

   a. Within the Natural Designation a single active use area shall be allowed with appropriate compensatory mitigation to accommodate water oriented and non-water oriented cultural events and water related passive recreational uses near the log pond at Blakely Harbor Park, as shown in Appendix E.

4. Recreational development on the shoreline shall provide physical or visual public access consistent with this Program, and Section 4.2.4, Public Access – Visual and Physical.
5. Recreational development on the shoreline shall protect existing shoreline vegetation consistent with this Program, and Section 4.1.3, Vegetation Management.
6. The City shall consult applicable state and local health regulations when issuing shoreline permits for recreational facilities (Title 248 WAC or its successor).
7. Recreational development is required to comply with local and regional recreation plans and link to linear open space, recreational, or scenic systems as provided in the State Comprehensive Outdoor Recreation Planning (SCORP) document, Bainbridge Island Metropolitan Park and Recreation District Comprehensive Park, Recreation, and Open Space Plan, the City of Bainbridge Island's Winslow Master Plan, and the City of Bainbridge Island's Non-Motorized Transportation Plan.
8. The use of motor vehicles including unlicensed off-road vehicles is permitted only on roads and trails specifically designated for such use. Such use is prohibited on tidelands, backshore beaches, streams, or wetlands, except as necessary for public health and safety or maintenance or as provided in Section 5.8.7(1), Regulation-Operations (1), below.

5.8.6 Regulations – Design and Location

1. Recreational development shall be located, designed and constructed to maintain, enhance, or restore scenic views, aesthetic values, and public access, as appropriate. Through the site planning and permit review process, the City may adjust and/or prescribe project dimensions or location of on-site project components, intensity of use, screening, parking requirements, and setbacks as deemed appropriate to meet the recreational needs of the project and the standards of this Program.
2. Recreational developments shall provide vehicular access and parking in accordance with Section 4.2.3, Parking, and shall provide facilities for non-motorized access to the shoreline, such as bicycle and/or pedestrian paths, as prescribed in the City's Non-Motorized Transportation Plan.
3. Shoreline trails and pathways shall be located, designed, constructed and maintained to protect bank stability.
4. All permanent active recreational structures and facilities shall be located outside officially mapped floodplains and floodways. Passive recreation structures, such as picnic tables, benches, viewing platforms may be allowed provided mitigation is provided.
5. Substantial accessory use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, across roads and parking areas, shall be set back from the OHWM according to Table 4-2. These areas may be linked to the shoreline by walkways.
6. Trails utilized for motorized vehicles, including golf carts, shall be set back two hundred (200) feet from OHWM, unless these are combined with a public access trail system. If

combined with a public access trail, trails shall be located at least one hundred (100) feet from OHWM.

7. The removal of on-site vegetation shall be limited to the minimum necessary for recreational development areas and pursuant to Section 4.1.3, Vegetation Management.
8. Recreational buildings or structures shall not be built over water, except as provided in Section 5.3, Boating Facilities, and Section 6.0, Shoreline Modification Policies and Regulations.
9. Proposals for recreational development shall include adequate facilities for water supply and sewage and garbage disposal and recycling commensurate with the intensity of the proposed use. Where sewage treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet local and state on-site sewage disposal requirements. On-site sewage disposal systems shall be located landward of the development, unless not feasible due to site or development constraints and provided that the location is on-site disposal system is consistent with requirements of the reviewing and permitting authority.
10. Recreational facilities shall incorporate appropriate mitigation to minimize light and noise impacts on adjacent and nearby public and private property through the use of screening, native vegetation, fences, signs and related measures.
11. Recreational proposals for publicly-owned shoreline parks shall provide the following:
    a. Recreational development and activities shall provide appropriate public recreational opportunities and promote the ecological restoration of the shoreline environment. Public shoreline areas are intended to provide access to, and enjoyment and use of the water and shorelines while conserving ecological functions and processes, and protecting shoreline resources and fragile areas.
    b. Best management practices (BMPs) and low impact development (LID) techniques shall be incorporated into the design, construction, and operation of public recreation proposals in order to reduce erosion impacts and prevent harmful concentrations of chemicals and sediments from entering water bodies and meet the standards of Section 4.1.6, Water Quality and Stormwater Management.
    c. Educational and historical interpretation specific to the site's shoreline ecology and local history shall be incorporated into the design and operation of a public shoreline recreational development through site amenities such as interpretive signs or other amenities.

5.8.7 Regulations – Operations

1. Operation of motorized vehicles, including utility and maintenance vehicles, shall only be allowed in designated areas specifically designed for vehicular use.

2. The use of jet skis and similar recreational equipment shall be restricted in critical saltwater habitat areas.
3. A chemical management plan designed to eliminate the possibility of damage to riparian vegetation, wildlife, and surface and ground water quality shall be prepared and implemented for golf courses located in shoreline jurisdiction.
4. Recreational fires in commercial uses, public parks and common areas shall only be allowed in accordance with Fire Code regulations in Title 20.12, Burning Restrictions, and within designated barbeque\fire pits, which shall be designed and spaced to facilitate the control of fires both within recreational facilities, between adjacent properties, and on public lands.

5.8.8 Regulations – Golf Courses – Design & Location

1. Golf courses shall be a conditional use requiring both a conditional use permit and a substantial development permit in the upland shoreline designations of Island Conservancy, Residential Conservancy, Residential, and Urban designations.

5.9 Residential Development

5.9.1 Applicability

All development in the shoreline jurisdiction must comply with the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program. While an individual owner-occupied, single-family residence and its "normal appurtenances" are exempt from the requirement that a Shoreline Substantial Development Permit (SSDP) be obtained from the local government (WAC 173-27-040, or its successor), it must comply with this section and other provisions of the Master Program. Subdivisions and short plats must also comply with all applicable provisions.

Residential development, when permitted by BIMC Title 18, Zoning, and this Master Program, will be reviewed under the "no net loss" provisions of Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.2, Environmental Impacts; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater; Section 4.2.4, Public Access, 4.2.7 Utilities Primary~~; Appendix B;~~ and Accessory. Other portions of this Program may also apply.

5.9.2 Goal

Promote residential development opportunities along the shoreline that are consistent with controlling pollution and preventing damage to the natural environment, recognizing that single-family residential development is a priority use in the shoreline and that impacts to other shoreline priority uses such as, shoreline views, aesthetics, and access, should be considered and minimized.

5.9.3 Policies

1. Consider single-family residential use as a priority use in the shoreline. Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program.
2. Locate residential development where there are suitable provisions for utilities, circulation and access, and require development to be designed to:
    a. Maintain or improve shoreline ecological functions and ecosystem-wide processes to assure no net loss;
    b. Provide building setbacks;
    c. Be visually compatible with adjacent cultural and shoreline features, reasonable in size and purpose;
    d. Preserve and enhance shoreline vegetation;
    e. Protect water quality;
    f. Control erosion and provide stormwater management; and
    g. Preserve shoreline open space, views from the shoreline, and vistas of the shoreline, and provide ample open space in side setbacks to preserve views from both the land and water.
3. Ensure the overall density of development, location of structures and access, lot coverage, and height are consistent with Bainbridge Island Comprehensive Plan goals and policies, the provisions of BIMC Title 18, Zoning, and this Program. Development should be appropriate to the physical capabilities and characteristics of the site.
4. Restrict the development of side yards in order to preserve vegetation between developments, mitigate the effect of a "wall" of structures along the shoreline, and enhance public and private view potential.
5. When waterfront properties are divided, ensure common access to the water is provided to all resulting lots.
6. Prohibit new residential development and accessory uses from locating in critical areas including critical saltwater habitat, wetlands, steep or unstable slopes, floodways, migratory routes and marine vegetation areas.
7. Ensure existing legally established overwater residences do not increase intensity of use.
8. Configure new residential land subdivisions within the shoreline to:
    a. Prevent the loss of shoreline ecological functions and ecosystem-wide processes at full build-out of the subdivision;

b. Reduce the impacts to shoreline processes by preventing the need for new shoreline stabilization or flood hazard reduction measures;

c. Maintain waterfront areas for the common use of all property owners within the development, and,

d. If creating more than four lots, provide public access to the shoreline, and minimize individual docks and promote community docks.

9. Ensure new multi-family residential development provides public access to the shoreline.

10. Promote residential development that includes measures to protect existing native vegetation and/or restore vegetation along shorelines. Conservation measures should require that residential development avoid, minimize, mitigate, or restore shoreline vegetation functions and achieve no net loss of shoreline ecological functions and ecosystem-wide processes. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of shoreline vegetation, and/or control of invasive or non-native vegetation.

11. For new residential development and alterations to existing residential development, use non-regulatory methods when possible to protect, enhance, and restore shoreline ecological functions and ecosystem-wide processes and other shoreline resources. Such methods may include voluntary alternatives to address impacts to shoreline ecological functions and ecosystem-wide processes, low impact development techniques, voluntary protection and enhancement projects, habitat management planning, education, or other incentive programs. Such programs must be supported by current scientific and technical information, as described in WAC 173-26-201(2)(a).

5.9.4 Regulations - Prohibited

1. New overwater residential development, including floating homes.

2. New land subdivision that would require shoreline stabilization [WAC 173-26-231(3)(a)(iii)(A)].

3. Increase in intensity, including height or bulk, for any existing legally established overwater residence, or for those portions of a residence that are located over the water.

4. New accessory dwelling units in the Point Monroe District.

5.9.5 Regulations - General

1. Residential development shall be permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations; shall be conditional use~~s~~ in the Island Conservancy designation; and shall be prohibited in the Natural, Aquatic, and Priority Aquatic designations.

2. Multifamily development shall be permitted in the Shoreline Residential and Urban designations, and prohibited in the Shoreline Residential Conservancy, Island Conservancy and Natural designations.

3. Accessory dwelling units shall be allowed as a conditional use in the Shoreline Residential Conservancy Shoreline Residential and Urban designations and prohibited in the Point Monroe District, Natural designation, and Island Conservancy designation.

4. Land subdivision, consistent with BIMC Title 17, is permitted in the Shoreline Residential, Shoreline Residential Conservancy, and Urban designations, and shall be allowed as a conditional use in the Natural and Island Conservancy designations.

5. Residential development shall meet setback and height standards in Table 4-2 and dimensional provisions of BIMC Title 18, Zoning.

6. Residential development shall meet all provisions of the Section 4.1.2, Environmental Impacts, such that the development results in "no net loss" to shoreline environmental functions and processes.

7. The buffer dimensional requirements in Table 4-1 of this Program shall apply to residences and appurtenances, except when a site-specific analysis is provided in accordance with Section 4.1.3, Vegetation Management, or for new development proposed for the Point Monroe District, which shall meet vegetation requirements of Section 4.1.3.5(9), Vegetation Management; Special Provisions for Point Monroe District. Residential development shall retain and protect existing native vegetation, or restore and enhance native vegetation according to the Vegetation Management and Land Modification provisions of Sections 4.1.3 and Section 4.1.4.

8. Side setbacks, except in the Urban designation and the Point Monroe District, shall total at least thirty percent (30%) of the lot width. Side setback requirement for the Point Monroe District shall total at least fifteen percent (15%) of the lot width. These yards shall remain free of buildings and impervious surfaces as described below.

    a. Building. The minimum side setback shall be established by BIMC Title 18, Zoning. Setbacks for each accessory building shall conform to the side setbacks required of, or established by, the primary residential building. Structures in the side setbacks may not exceed four feet in height from existing grade, except that fences on the side property line may have an additional two feet (2') of non-screening material for a total of six feet (6'). Approved Shoreline Stabilization measures may be installed within the side setbacks.

    b. Impervious Surfaces. No more than a total of two hundred (200) square feet of impervious surface is allowed in the side yard setback outside of the Shoreline Standard Buffer, Site-specific Vegetation Management Area or Point Monroe Vegetation Management Area.

c. Average Lot Width Measurement. In determining allowed setback for this subsection, lot width shall be measured as depicted BIMC Chapter 18.12, Dimensional Standards.

9. All residential development shall meet BIMC Chapter 15.20, Surface and Storm Water Management, and Section 4.1.6, Water Quality and Stormwater Management of this Program.

10. Home occupations meeting the criteria of BIMC Title 18 shall be considered a residential use.

5.9.6 Regulations – Primary Residential Design and Location

1. Residential Development, except in the Point Monroe District (5.9.6 (2)) below, shall follow the provision for Shoreline Exemptions pursuant to the Shoreline Master Program Administrative Section, BIMC Section 2.16.165, and shall:

   a. Be located and designed to avoid the need for shoreline stabilization and flood protection works for the life of the structure, as provided for in Section 6.2.9 Shoreline Stabilization; Regulations – Subdivisions and Section 4.1.7, Flood Hazard Management.

   b. Be located and designed to protect existing ecological function in accordance with Section 4.1.2, Environmental Impacts, and Section 4.1.3, Vegetation Management, and use low impact development techniques of Section 4.1.6.6(3) to:

      i. Minimize area of disturbance as provided in Section 4.1.4, Land Modification; and

      ii. Minimize soil compaction; and

      iii. Infiltrate stormwater runoff when the site is suitable for infiltration.

   c. Provide a stormwater conveyance that is designed according to the provisions of Section 4.1.6, Water Quality and Stormwater Management.

   d. Be located to protect existing views from primary structures on adjacent properties.

      i. Primary Structures shall meet the provisions for structure setback line as provided in Section 4.1.3, Vegetation Management, and shall follow the provisions for Shoreline Exemption permit in the Shoreline Master Program Administration Section of BIMC Section 2.16.165.

   e. Designed to provide a physical separation to reinforce the distinction between public and private space. Including but not limited to:

      i. Providing vegetation screening in a landscape plan approved by the Administrator and developed in accordance with requirements in Section

4.1.3,Vegetation Management, and BIMC Section 18.15.010, Development Standards and Guidelines; Landscaping, Screening and Tree Retention, Protection, and Replacement.

ii. Providing an open space setback recorded on plat or title; or

iii. Fencing or other means.

2. **Special Provisions for Point Monroe District** – Primary and Accessory Structures. Residential development within the Point Monroe District shall follow the provisions for Shoreline Exemption permit in BIMC 16.12 Part VII, Shoreline Master Program Administration, and shall meet provisions of subsection 5.9.6(1)(a)-(c)&(e) and the following:

   a. Each lot is permitted a development area that is intended to accommodate the primary residence, garage, accessory structure, parking and driveway that does not exceed fifty percent (50%) of the upland lot area, up to a maximum development area of fourteen hundred (1400) square feet. On-site septic systems may be located outside of this development area.

   b. All new primary structures shall be located a minimum of thirty feet (30') from the OHWM.

   c. Stabilization and flood protection works may be allowed provided the need is demonstrated as specified in Section 6.2.8.1 or 6.2.8.2, Shoreline Stabilization, and 4.1.7, Flood Hazard Management.

   d. Overwater structures may be allowed pursuant to Sections 4.1.2, Environmental Impacts and 6.3.4, in Overwater Structures.

5.9.7 Regulations – Accessory Design and Location

1. Except in the Point Monroe District, accessory uses and structures proposed within the Shoreline Buffer or site-specific vegetation management areas shall meet the standards of Section 4.1.3, Vegetation Management.

   a. Accessory structures allowed in the Shoreline Buffer in Table 4-1 shall follow the provision for a Shoreline Exemption in the Shoreline Master Program Administration, BIMC Section 2.16.165.

2. In the Point Monroe District accessory structures, except approved docks or shoreline stabilization, shall be located a minimum of fifteen feet (15') from the OHWM.

5.9.8 Regulations – Residential Subdivisions (Single-Family and Multifamily, including ADU)

1. Subdivision of properties in water designations, Aquatic and Priority Aquatic, shall be regulated the same as the adjacent upland.

2. Land subdivision shall be designed to assure future development will not require shoreline stabilization for one hundred (100) years from date of submittal as demonstrated by a geotechnical report.
3. All new subdivisions shall provide for vegetation management to mitigate cumulative impacts of intensification of use and open space to assure establishment and continuation of a vegetation community pursuant to Section 4.1.3, Vegetation Management.
4. Accessory dwelling units are conditional uses for all lots wholly or partially within the shoreline jurisdiction.
5. New subdivisions or all multifamily residential developments shall provide a community recreation and/or open space area for the benefit of all residents or property owners in the development; provided that, such provisions shall not apply to lot line adjustment, lot consolidation, and subdivision of land into four (4) or fewer lots.
6. New subdivisions or all multifamily residential development of less than four (4) lots and shall provide a common physical or visual access for the benefit of all residents or property owners in the development, which also-meets the provisions of No Net Loss in Sections 4.1.2, Environmental Impacts. An access easement shall be recorded on the face of the plat or title report.
    a. If one or more dwelling unit exists prior to the division of land or further residential development, the feasibility of providing a common access shall be determined by the Administrator.
7. New or altered residential developments of more than four (4) dwelling units adjacent to the waterfront, shall dedicate, improve, and maintain public access area sufficient to ensure usable access to the shoreline for all residents of the development and the general public. The amount and configuration of public access shall depend on the proposed use(s), provisions in Section 4.2.4, Public Access – Visual and Physical, and the following criteria:
    a. Subdivisions within the shoreline jurisdiction that have views of water areas shall provide a public pedestrian viewing area.
    b. Subdivisions adjacent to public waterways and marine waters shall provide visual and physical access to public waterways, public marine waters, and public tidelands that are physically accessible at low tide or low water.
    c. Subdivisions subject to requirements for dedication of land to provide open space or mitigate recreation demands of the development shall dedicate such land on or adjacent to public waterways or marine shorelines, as applicable, unless the ecological sensitivity of such land precludes public access. Portions of the dedicated area may be fenced or otherwise restricted to limit public access to ecologically sensitive areas.

5.9.9 Regulations – Residential Development Overwater

1. Live-aboard vessels, shall be allowed only at marinas or in the public open water marina in Eagle Harbor in accordance with Section 5.3, Boating Facilities.
2. All subdivisions shall record a prohibition on new single use private docks on the face of the plat. Shared moorage with less than 6 slips shall meet provisions for community docks in Section 5.3, Boating Facilities. Shared moorage with six (6) or more slips shall meet provisions in Section 5.3
3. An existing overwater primary residential use may continue, and the structure may be repaired, maintained, increased in height and remodeled in accordance with Section 4.2.1, Nonconforming Uses, **Nonconforming Structures, and Nonconforming Lots** ~~**Non-Conforming Lots, and Existing DevelopmentNonconforming Structures, Uses**~~ but the use may not be intensified and the overwater structure may not be enlarged or expanded over water.
4. The upland portion of an existing primary residential structure that is partially located over water may be repaired, maintained, remodeled or expanded to the extent allowed by this program and in accordance with Section 4.2.1.~~6.3~~7.2, ~~Existing Structures Residential Single-Family: Primary Structure~~ Nonconforming Structures – Residential Single-Family: Primary Structures.

6.0 SHORELINE MODIFICATION POLICIES AND REGULATIONS

6.1 General Shoreline Modification Provisions

6.1.1 Applicability

Shoreline modifications are generally related to construction of a physical element such as residential development, a dike, bulkhead, dredged basin, pier or fill, but they can include other actions such as clearing, grading, application of chemicals, or vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a ferry terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within the shoreline jurisdiction. They also apply to projects in which the chief intent is to protect the shoreline of a particular property for which the permit applies such as shoreline stabilization, flood control projects, and flood control programs. Shoreline modification proposals-will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.7, Flood Hazard Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

6.1.2 Goal

Manage shoreline modifications and flood protection to avoid, minimize or mitigate adverse impacts and assure that individually and cumulatively, shoreline modifications do not result in a net loss of ecological function.

6.1.3 Policies

1. Allow structural shoreline modifications only where it is demonstrated to be necessary to support or protect an allowed primary structure and primary appurtenances, or a legally existing principal use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

4. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions and ecosystem-wide processes. Require mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions and ecosystem-wide processes where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section 4.1.2.6.
7. Ensure shoreline modification projects provide for long-term multiple use and shoreline public access, where appropriate.
8. Ensure natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on navigational uses or threaten other permitted uses, are left undisturbed except in cases of an approved beach stabilization project.

6.1.4 Regulations – Prohibited Uses

1. Shoreline modifications in or adjacent to wetlands (located in both the upland and the shoreline jurisdiction) and in salmon and trout spawning areas, except for fish or wildlife habitat enhancement.
2. Beach enhancement when it interferes with the normal public use of the navigable waters of the state.
3. Shoreline Modification located on feeder bluffs, except when the area is already developed with a primary residential structure, an essential public facility or transportation facility, in which case stabilization may be allowed pursuant to the provisions in Section 6.2, Shoreline Stabilization.

6.1.5 Regulations - General

1. A pre-application meeting shall be required prior to submitting an application for a replacement, repair or new shoreline modification project.
2. All shoreline modification activities must be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, except shoreline stabilization may be allowed as a shoreline use provided it can be demonstrated that it is necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
3. All applicable federal and state permits, including the Army Corps of Engineers and the Washington Department of Fish and Wildlife, Washington Department of Natural Resources shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.

4. All new development activities, including additions to existing structures, shall be located as allowed in Section 4.1.5~~.7, Regulations – Geologically Hazardous Areas or Appendix B,~~ and located or designed to prevent the need for shoreline stabilization for the life of the development or one hundred (100) years, whichever is greater.
5. All new, replacement, and repair modification activities shall be limited to the minimum footprint necessary to protect an allowed primary structure or legally existing shoreline use.
6. All applications for new, replacement and repair modification activities shall examine and implement alternatives as specified in their specific use sections.
7. All applications for new, replacement and repair modification activities shall be designed, located, sized, and constructed to assure no net loss of ecological functions and processes pursuant to Section 4.1.2, Environmental Impacts.
8. Shoreline stabilization shall be designed in a manner that minimizes:
    a. Scouring of the beach at the toe of the structure; and
    b. Erosion of the waterward beach; and
    c. Impact to adjacent properties; and
    d. The need for mitigation measures.
9. Upon project completion, all disturbed shoreline areas shall be restored and replanted pursuant to Section 4.1.2.5, Regulations – Revegetation Standards.
10. Publicly financed or subsidized works should provide for long-term multiple use and public pedestrian shoreline access.

6.2 Shoreline Stabilization

6.2.1 Principles

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including, reducing erosion, providing useful space at the shore, or for access to docks and piers. The impacts of hardening on any one property may be minimal, but cumulatively the impact of this type of shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions and habitat degradation, such as:

- Starvation and/or impoundment of beach sediment which diminishes longshore sediment transport;
- Loss of shoreline vegetation and large woody debris;

- Ground water and hydraulic impacts; and
- Exacerbation of erosion.

There are nonstructural and structural methods of shoreline stabilization. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural stabilization methods can be "hard" or "soft". "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineering vegetation or beach enhancement. Generally, the harder the construction measure the greater the impact on shoreline processes, such as sediment transport, geomorphology, and biological functions.

The range of non-structural and structural measures varying from soft to hard:

"Soft"

- Upland drainage control;
- Vegetation enhancement;
- Beach enhancement;
- Bioengineering measures;
- Anchor trees; and
- Gravel placement.

"Hard"

- Rock revetments;
- Gabions;
- Groins (rock or concrete);
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

6.2.2 Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures resulting from natural processes, such as currents, flood tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures to avoid the need for structural stabilization. The provisions of this section apply to the construction, replacement and repair of structures intended to stabilize shorelines for protection of primary structures and

primary appurtenances from shoreline erosion caused by wind, waves, and currents. For this section, repair, replacement and new stabilization are defined in Section 8.0, Definitions. Even when exempt from the shoreline substantial development process, however, these structures must comply with all applicable Master Program regulations. A statement of exemption, shoreline conditional use, or shoreline substantial development permit must be obtained from the City before commencing construction of any shoreline stabilization. All proposed shoreline stabilization will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; Section 4.2.1 ~~**Non-Conforming Development**~~ **Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots ;**~~;~~Section 6.1, Shoreline Modification and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; ~~Appendix B;~~ and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

6.2.3 Policies

1. Discourage shoreline stabilization, particularly "hard" structural stabilization, through application of appropriate shoreline designations, development standards, and public education.
2. Design, locate, size and construct new, repaired or replacement shoreline stabilization to minimize and mitigate adverse impacts on shoreline ecological functions and shoreline ecosystem-wide processes. An evaluation of the proposal should consider causes and effects of erosion, including upland erosion, and beach dynamics, such as sediment conveyance, geo-hydraulic processes and ecological relationships, and address these on a reach-specific basis.
3. Design and locate new development, including the creation of new lots, in a manner that prevents the need for shoreline stabilization and armoring.
4. Permit structural shoreline stabilization only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established primary structures, principal uses or public improvements in danger of loss, and when it can be demonstrated that there are no alternative options to the proposed shoreline stabilization that have less impact on the shoreline environment.
5. Allow existing "hard" shoreline stabilization structures to be replaced if there is a demonstrated need to protect the principal use or primary structure from erosion and the replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and ecosystem-wide processes.
6. Give preference to those types of shoreline stabilization that have a lesser impact on ecological functions and ecosystem-wide processes. To protect ecological functions and ecosystem-wide processes, alternatives to shoreline stabilization should be considered and be based on the following sequencing of solutions:

a. Avoidance (allow the shoreline to retreat naturally, increase building setbacks or relocate structures);

b. Flexible defense works constructed of natural materials including, "soft" shore protection, bioengineering, beach nourishment, protective berms or vegetative stabilizations;

c. Combination of "soft" and structural "hard" shoreline stabilization or hybrid design measures, which excludes structural stabilization below the ordinary high water mark;

d. "Hard" structural stabilization or rigid works constructed of artificial materials, such as riprap or concrete;

7. Select materials used for construction of shoreline stabilization for long term durability, ease of maintenance and compatibility with local shore features, including aesthetic values and flexibility for future uses.

8. Ensure that publically financed or subsidized shoreline stabilization measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions or ecosystem-wide processes. Where feasible, incorporate ecological restoration and public access improvements into the project.

9. Avoid shoreline stabilization that is constructed waterward of feeder bluffs.

10. Encourage neighboring property owners within an entire drift cell or shoreline reach to coordinate planning and development of shoreline stabilization or other solutions to avoid erosion of down-drift properties and to address ecological and geo-hydraulic processes, sediment conveyance, and beach management.

11. Where feasible, remove any failing, harmful, unnecessary or ineffective structures and restore shoreline ecological functions and ecosystem-wide processes consistent with the priorities of an ecosystem-wide restoration plan, and replace structures using shoreline stabilization measures that result in less impact to ecological functions and ecosystem-wide processes.

12. Encourage non-structural stabilization using non-regulatory methods to protect, enhance and restore shoreline ecological functions and ecosystem-wide processes, and other shoreline resources. Non-regulatory methods should include incentive programs to utilize low impact development techniques and encourage habitat/resource planning, voluntary enhancement and restoration projects, or programs that provide technical assistance and education to shoreline property owners.

13. Promote shoreline stabilization that incorporates beach restoration or enhancement in accordance with the restoration provisions of Section 4.1.8, Shoreline Restoration and Enhancement, and this Program.

6.2.4 Regulations – Prohibited

1. Gabions, groins, vertical, concave, and flat (hard) faced structures not including near-vertical rock riprap bulkheads in shoreline stabilization construction. Sheet pile style hard stabilization may be allowed for remediation and hybrid shoreline stabilization projects in accordance with Section 6.2.5.
2. Revetments for any purpose unless part of a public facilities project.
3. Construction of a bulkhead, revetment, or other structure for the purpose of retaining a landfill or creating dry land; unless it is proposed in conjunction with an approved commercial or industrial water-dependent use or public use.
4. Shoreline stabilization proposed on shores where valuable geo-hydraulic or biological processes are sensitive to interference or critical to shoreline conservation, such as: feeder bluffs; barrier estuaries, barrier lagoons, wetlands; or accretion shore forms such as sand spits, hooks, bars, or barrier beaches. Except that stabilization proposals to protect a primary single-family residence, primary appurtenance or primary public or transportation facilities, may be allowed on feeder bluffs and spits provide provisions of this Program are met.
5. The use of hard structural stabilization or the hard portions of hybrid stabilization intended to protect a vacant platted lot or to protect a developed lot where a primary structure or primary appurtenance is not in danger from erosion as demonstrated through a geotechnical report.
6. Stabilization that would cause significant impacts to adjacent or down current properties.

6.2.5 Regulations - General

1. All shoreline stabilization proposals shall meet applicable provision of Section 6.1, Shoreline Modifications, and assurance of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
2. Soft-treatment stabilization shall be used to the maximum extent feasible.
3. New or replacement shoreline stabilization measures are a conditional use for the following:
    a. Proposed shoreline stabilization is adjacent to a feeder bluff.
    b. The nearest adjacent existing shoreline stabilization is greater than one hundred (100) feet of the subject property.
    c. Sheet pile style hard stabilization may be used in:
        i. Remediation projects to contain contaminated soils or sediments when demonstrated to the satisfaction of the Administrator to be the most appropriate solution; or

ii. Hybrid stabilization when used as a stop-gap measure at or near extreme high water.

6.2.6 Regulations – Location and Design of Shoreline Stabilization

1. Shoreline stabilization shall not be approved in any known or probable midden site without the written permission of the Director of the State Office of Archaeology and Historic Preservation (the State Historic Preservation Officer) (RCW 27.53.060 or its successor).

2. On all shorelines, hard structural stabilization or hard portions of hybrid stabilization shall be located landward of the OHWM. Other structural stabilization shall be located landward of protective berms (artificial or natural), and generally parallel to the natural shoreline except as allowed below:

    a. On high bluffs where no other shoreline stabilization structures are adjoining, hard structural stabilization or hard portions of hybrid stabilization shall be as close to OHWM as feasible to accommodate the design of the shoreline stabilization. However, a revetment footing may extend waterward only the minimum extent necessary to dissipate wave energy.

    b. Shoreline stabilization shall connect flush with existing stabilization on adjoining properties, except when the action will create dry land, in which case the location requirements of the above shall apply.

    c. Soft-treatment stabilization may be permitted waterward of the OHWM if the stabilization measures provide restoration of shoreline ecological functions and processes.

3. Hard structural stabilization, including hard portions of hybrid stabilization, shall be limited to the areas of the site where the stabilization is demonstrated to be necessary, according to Section 6.2, Shoreline Stabilization.

    a. When allowed on feeder bluffs, hard structural stabilization, including hard portions of hybrid stabilization shall be located landward of the OHWM.

    b. Hard structural stabilization, including hard portions of hybrid stabilization located in a shoreline area that does not include a feeder bluff, shall be constructed landward of the ordinary high water mark and shall follow the natural contours of the shoreline; unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire hard structural stabilization landward.

4. Replacement stabilization structures may be constructed in the same location if placement landward of OWHM is infeasible as demonstrated to the satisfaction of the Administrator.

5. Shoreline stabilization shall be designed to allow the passage of surface or ground water without causing ponding or saturation of retained soil materials and meet the following design criteria:

   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;

   b. Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling; and

   c. Provide adequate toe protection to ensure future mitigation or hard structural stabilization measures are not required.

6. Revetments shall be sited and designed consistent with appropriate engineering principles. Professional, geologic, site studies or design shall be required.

7. When a hard structure is required at a public access site, provision for safe access to the water shall be incorporated into the design for stabilization.

8. Stairs or other permitted upland structures may attach to existing hard structural stabilization, but shall not extend waterward, unless it is demonstrated to the satisfaction of the Administrator to be infeasible to locate the entire stairway landward.

9. Overwater structures may attach to existing hard structural stabilization.

10. Hard shoreline stabilization construction shall utilize stable, non-erosion prone, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials which will accomplish the stabilization needs with the maximum preservation of natural shoreline characteristics. See Section 4.1.6, Water Quality and Stormwater Management for additional provisions related to material.

6.2.6.1 Regulations – Location Specific for Replacement of Hard Structural Stabilization

1. Replacement of hard structural stabilization shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary structure requiring protection was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns if the stabilization measure is moved landward of the OHWM. In such cases, the replacement structure shall be constructed to abut the existing shoreline stabilization structure. All other replacement structures shall be located landward of the existing shoreline stabilization structure.

6.2.7 Regulations – Repair of Existing Shoreline Stabilization

1. The Administrator shall allow repair or maintenance of soft-treatment stabilization.

2. Repair of existing structural stabilization shall be allowed as follows:

a. Existing shoreline stabilization which no longer adequately serves its intended purpose shall be considered a replacement.

b. Damaged structural stabilization may be repaired up to fifty percent (50%) of the linear length within a Five (5) year period. Repair area that exceeds fifty percent (50%) shall be considered a replacement. Stabilization repair applications shall consider cumulative approvals of each successive application within a five year period

c. Stabilization repairs may require mitigation pursuant to Section 4.1.2, Environmental Impacts.

6.2.8 Regulations – New or Replacement Shoreline Stabilization

1. When evaluating the need for new, expanded or replacement stabilization measures, the applicant shall provide an analysis from a qualified professional that examines and implements preferred alternatives in the following sequence:

   a. No action (allow the shoreline to retreat without intervention).

   b. Non-structural measures such as vegetation enhancement or addressing upland drainage concerns.

   c. Increase building setbacks and/or relocate structures to a feasible location and/or elevate the structures.

   d. Implement flexible/natural materials and methods, beach nourishment, protective berms, bioengineered stabilization or other soft-treatment measures.

   e. Hybrid structure.

   f. Exclusively hard stabilization materials.

2. An analysis for these alternatives shall be submitted with each replacement or new stabilization application.

3. Point Monroe District properties shall also meet provisions in Section 6.2.8.3, Specific Regulations for Point Monroe District.

6.2.8.1 Specific Regulations: Replacement of Existing Structural Stabilization

1. Replacement of existing structural stabilization is allowed to protect public transportation infrastructure, essential public facilities, and primary structures when all the following apply:

   a. The replacement is located landward of OHWM, unless demonstrated to the satisfaction of the Administrator to be infeasible, then it may be located in the same location, except as provided in subsection (3), below; and

b. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (c), below; and

c. A geotechnical report demonstrates a need to protect the primary structure and primary appurtenance from danger of loss or substantial damage within five (5) years due to shoreline erosion, (b) above, in the absence of hard structural stabilization; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:

   i. An existing primary single-family residence located within ten feet (10') or less from the OHWM; or

   ii. An existing primary single-family residence located within ten feet (10') or less from the top of a high bluff (greater than fifteen feet (>15)~~(top of bluff as defined in Appendix B);~~or

   iii. An existing primary single-family residence located with the Point Monroe District may use the *Spit Science Summary – Point Monroe*, Herrera Environmental, 2012, to substitute for a site-specific geotechnical report.

d. The replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and

e. Hard structural shoreline stabilization, including hard partitions of hybrid stabilization, is limited to the 'zone of impact' for protecting a primary structure and its primary appurtenances. See Section 8.0 for 'zone of impact' definition.

2. When a geotechnical report confirms a need to prevent potential loss of or damage to a primary structure, but the need is not as immediate as five (5) years, the report may be used to justify more immediate authorization to protect against erosion using soft-treatment stabilization or hybrid structural measures.

6.2.8.2 Specific Regulations: New Shoreline Stabilization

1. The City may approve new or enlarged structural stabilization measures to protect non-water-dependant public transportation infrastructure, essential public facilities, and primary structures when all the following apply:

   a. The danger of loss or substantial damage from shoreline erosion is caused by tidal action, current, and waves rather than landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope and such has been identified through a geotechnical report except as provided in subsection (b), below.

b. A geotechnical report demonstrates there is significant possibility that the primary structure or primary appurtenance structures will be damaged within three (3) years as a result of shoreline erosion, (a) above, in the absence of hard structural stabilization measures; except the following is not required to identify danger of loss or substantial damage through a geotechnical report:

i. an existing primary single-family residential structure located within ten feet (10') or less from the OHWM; or

ii. An existing primary single-family residential structure located within ten feet (10') or less from the top of a high bluff (greater than fifteen feet (>15)~~(top of bluff as defined in Appendix B)~~.

c. The new or expanded structure is designed, located, sized and constructed to assure no net loss of ecological functions and/or processes; and

d. Hard structural shoreline stabilization, including hard portions of hybrid stabilization, is limited to the 'zone of impact' for protecting a primary structure and/or its primary appurtenances.

2. Where a geotechnical report confirms a need to prevent potential loss of or damage to a residential primary structure, but the need is not as immediate as three (3) years, the report may be used to justify more immediate authorization to protect against erosion using soft-treatment structural measures.

6.2.8.3 Specific Regulations for the Point Monroe District

1. New foundations and redevelopment of existing foundations that impede the natural over-wash process with the Federal Emergency Management Administration (FEMA) flood zone are considered flood protection works and shall meet provisions in Section 5.9, Residential Development.

2. New hard shoreline stabilization measures are prohibited in Area I, II, and IV of the Point Monroe District, as depicted in the Point Monroe District Map in Appendix E.

3. A conditional use permit shall be required for hybrid structural stabilization within Area III of the Point Monroe District, as depicted in the Point Monroe District Map, Appendix E.

6.2.9 Regulations – Subdivisions

1. Land subdivision shall be designed to assure future development will not require shoreline stabilization for the next one hundred (100) years from date of building permit approval as demonstrated by a geotechnical report.

6.2.10 Submittal Requirements for Shoreline Stabilization Project Applications

1. In addition to the general submittal requirements for all applications specified in BIMC Section 2.16.020(H), the following shall be submitted to the City. Applications for repair of existing stabilization will be required to submit only the first six (6) items. The Administrator may waive some or all of the following based on specific project requirements:

    a. Purpose of the project including a calculation that demonstrates the amount proposed to be repaired and past amounts repaired and a summary of replacement and/or repair materials proposed; and

    b. Plan and cross section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM, including an indication of the amount of area proposed to be repaired; and

    c. Documentation of pre-construction shoreline characteristics; and

    d. Description of physical, geological and/or soil characteristics of the site including existing and proposed slope profiles; and

    e. A description of any waste and debris disposal sites for materials generated during construction; and

    f. For repair of shoreline stabilization, the design recommendations for minimizing impacts and ensuring the new construction, replaced or repaired stabilization measure is designed, located, sized and constructed to assure no net loss of ecological functions and processes; and

    g. Examination and implementation of alternatives in the order of preference as described in Section 6.2.8, Specific Regulations: Replacement of Existing Structural Stabilization, including a description of cost, mitigation cost, maintenance needs and success in protecting the primary structure; and

    h. Existing shoreline stabilization within the reach of the proposed project; and

    i. Any outreach efforts to coordinate with property owners within the shoreline reach to address an ecosystem-wide restoration plan; and

    j. A description of any waste and debris disposal sites for materials generated during construction; and

    k. A discussion of the cause of shoreline erosion including assessment of ecosystem-wide processes occurring both waterward and landward of the OHWM and an analysis of on-site and/or adjacent upland drainage.

    l. Impact analysis and mitigation report as specified by Section 4.1.2, Environmental Impacts; and

m. Geotechnical report including the estimated rate of erosion and eminent danger within the time threshold as provided in Section 6.2 and the following:

i. Proof of a geotechnical design of the structural stabilization; and

ii. Washington State licensed civil engineer with a specialty in coastal engineering or a qualified Washington State licensed geologist with a specialty in coastal geology and a qualified marine habitat biologist shall evaluate the cumulative effects of stabilization methods within a drift cell; and

iii. Maintenance, Monitoring and Planting Plan as required by Section 4.1.2, Environmental Impacts.

6.3 Overwater Structures

6.3.1 Applicability

Uses which may employ a pier or dock are subject to the provisions herein as well as to the provisions contained in Section 5.0, Specific Shoreline Use and Development Policies and Regulations. Single use, community, or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section 5.3, Boating Facilities.

Pursuant to RCW 90.58.030(3)(e)(vii), or its successor, and WAC 173-27-040(2)(h), or its successor, certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act (RCW 90.58.140(1) or its successor) and this Program.

Activities that are exempt from a shoreline substantial development permit must still meet the provisions of the Master Program. A pier, dock or float associated with a single-family residence is considered a water-dependent use provided that it is designed and intended as a facility for to tie up watercraft. Overwater structure activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts and Section 4.0, General (Island-wide) Policies and Regulations; Section 4.4.1 Shorelines of Statewide Significance, and may also be reviewed under Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management~~, and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.3.2 Goal

Limit the number and size of piers, docks, and floats to the extent necessary to accommodate the proposed use and avoid adverse impacts to shoreline ecological functions and ecosystem-wide processes. Allow overwater structures only when part of a permitted water-dependent use or for public access. Ensure consistency with federal and state regulations.

6.3.3 Policies

1. Encourage multiple-use and expansion of existing conforming piers, docks, and floats over the addition of new facilities. Joint-use facilities are preferred over new, single-use piers, docks and floats.
2. Mooring buoys are preferred to either piers or docks. Locate and design buoy installation to avoid or minimize adverse impacts on ecological functions and ecosystem-wide processes.
3. Locate and design piers, floats, and docks to avoid and minimize possible adverse impacts on ecological functions and ecosystem-wide processes, including fish and wildlife habitat, and impacts to ecosystem-wide shoreline processes such as littoral drift and sand movement. Ensure that piers, floats and docks are:
    a. Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state.
    b. Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands bottoms; high littoral drift areas; landslide-prone areas and/or feeder bluffs.
    c. Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats, shoreline aesthetics, and water quality, and to minimize interference with navigable waters and the public's use of the water and shoreline. Design considerations should:
        i. Limit pier and float length & width to extent necessary for the intended use;
        ii. Provide functional grating for light penetration;
        iii. Configure pier and float orientation to minimize shading;
        iv. Prohibit auxiliary structures on piers and floats;
        v. Provide a mechanism to prevent floats from resting on tidelands;
        vi. Encapsulate floatation to prevent to breakup and loss of material; and
        vii. Use a site-specific distance between piles to avoid adverse impacts to salt water critical habitat.

d. Designed, constructed, and maintained to provide a reasonable level of safety to users.

4. Encourage proponents of commercial pier, float, and dock projects to provide for public docking, launching, or recreational access.

5. Encourage the development of public docks with floats at appropriate road-end locations. Local programs and coordinated efforts among private and/or public agencies should be initiated to develop new public access docks, and to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.

6. Encourage the use of natural materials in pier and dock construction. Chemical wood treatments, such as creosote or pentachlorophenol are prohibited on all new structures or repair projects. Plastics and other non-biodegradable materials may be used; however, precautions should be taken to ensure their containment as provided in Section 4.1.6, Water Quality and Stormwater Management.

7. Implement an education program for boat owners and operators on best management practices for use of boat and overwater structure maintenance products.

8. Limit the development of new docks and piers in harbors and encourage public docks and private community docks, except that in Blakely Harbor:

   a. New docks shall be prohibited between Restoration Point and the most eastern point along the north shore of Blakely Harbor; except

      i. Two community docks should be allowed, one along each the north and south shores, provided that all residents along each shore are provided a non-extinguishable option to access the community dock located along their respective shore; and

      ii. One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.

6.3.4 Regulations - Prohibited

1. Overwater structures in the Priority Aquatic designations and adjacent to the Natural designation except:

   a. New individual, community or joint-use residential docks or piers are permitted in the Priority Aquatic B designation, only in areas where salt marsh vegetation, such as pickleweed (Salicornia sp.), does not exist.

   b. Two mooring buoys per parcel are allowed for public access when upland property is owned by a public entity.

2. Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands with gradients of 3% or less; or areas mapped for high levels

of accretion; or geological hazardous areas located outside of harbors and/or feeder bluffs, except when specifically allowed in Section 4.2.4, Public Access – Visual and Physical, or Section 5.3, Boating Facilities.

3. Development of new docks and piers within all shoreline designations within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Point" or "Jasmine Point"), except as provided in this section.
4. New docks and piers within Murden Cove as shown on the Shoreline Designation Map.
5. New boat houses and/or new covered moorage on either existing or new piers or docks.
6. Hydraulic water jets cannot be used to remove piling.
7. Use of arsenate compounds or creosote-treated members.
8. Over-water field applications of paint, preservative treatment, or other chemical compounds, except in accordance with best management practices set forth in the Boating Facility section of the Master Program or when allowed by a current National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology.
9. Bulk storage for gasoline, oil and other petroleum products for any use or purpose on piers and docks. Bulk storage means non-portable storage in fixed tanks.

6.3.5 Regulations - General

1. Except for the provisions contained in this chapter, new piers and docks shall be a permitted use in the Urban, Shoreline Residential, and Aquatic designations, and shall be a conditional use in the Shoreline Residential Conservancy and Island Conservancy designations.
2. Mooring buoys are a preferred use, over docks, where feasible.
3. Piers and docks shall be located and designed to minimize interference with the use of navigable waters and may be limited in length or prohibited, where necessary, to protect navigation, public use, or habitat values including critical saltwater habitat.
4. If a bulkhead-like base is proposed for a fixed pier or dock the base shall be built landward of the ordinary high water mark or protective berg and is considered shoreline stabilization and must meet provisions of Section 6.2 Shoreline Stabilization.
5. Structures on piers and docks shall be strictly limited in size to avoid impacting shoreline views.
6. Piers and docks shall require a building permit and shall meet standards set by the building official, except public ferry terminals as part of the state highway system.
7. Lighting shall:
    a. Satisfy the provisions of BIMC 18.15.040;

b. Be the minimum necessary, or as required by the Coast Guard, to locate the dock at night; and

c. Should minimize glare.

8. Mitigation requirements of Section 4.1.2, Environmental Impacts, may be met through mitigation standards for the United States Army Corps of Engineers (USACE) permit process.

9. New docks and piers shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use and may be permitted, provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of the Act and this Program.

10. Piers and dock construction shall adhere to Fish Window provisions found in WAC 220-110 by the Washington Department of Fish and Wildlife

6.3.6 Regulations – Location, Design and Construction Standards – Pier, Dock, Float

1. A single use dock consists of pier, ramp, float, and one boat lift. An additional boat lift may be added per dwelling unit for joint-use docks.
2. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
3. Overhead wiring or plumbing is not permitted on overwater structures.

6.3.7 Regulations – Specific

6.3.7.1 Piling Regulations

1. Principle: Piles are physical barriers to fish migration and have the potential to leach contaminants into aquatic and nearshore environments. Piling installed close together can cause floating debris to accumulate, which can lead to increased shading and predator protection. The fewest number of pilings necessary should be installed and spacing between piling should be maximized. Projects must be designed to minimize abrasion between the pier, ramp and float caused by tidal fluctuations because this can result in the deposition of contaminants into the water and over time will cause a loss of structural integrity requiring additional maintenance by the applicant.

   a. Replacement or new piling shall be steel, concrete, plastic or untreated or approved treated wood, if approved by USACE. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.

b. New piling associated with a new pier, except large water-dependent ferry terminals, must be spaced at least twenty feet (20') apart (lengthwise along the structure) unless the length of structure itself is less than twenty feet (20'). If the structure itself is less than twenty feet (20') in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas need to be spaced at least forty feet (40') apart.

c. If the project includes the replacement of existing piling, they should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2-feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material.

d. A maximum of two moorage pilings may be installed to accommodate the moorage of boats exceeding the length of the floats.

e. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol. In saltwater areas characterized by shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, used pilings, precast concrete, or other nontoxic alternatives shall be used. In all cases where toxic-treated products are allowed, products, methods of treatment, and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information.

f. Piling employed in piers or any other structure shall have a minimum vertical clearance of 18 inches above extreme high water.

6.3.7.2 Pier Regulations

1. Principle: In the Puget Sound, the intertidal and sub-tidal substrate supports a complex web of plant and animal species. Juvenile salmon, called "salmonids," young and adult bull trout, and juvenile rockfish use nearshore marine areas for feeding, rearing, and as migratory corridors. Their predators are generally located in deeper waters that young fish tend to avoid. As they mature they become less dependent on shallow areas and begin preying on forage fish, many of which spawn on the intertidal substrate around eelgrass, kelp beds and macroalgae. Piers create shadows that can impact the viability of marine vegetation that require sunlight to grow. This subsequently adversely impacts the habitat of fish that so many other species (including human beings) rely upon. In addition, large shaded areas provide cover for predators so for these reason the amount of shade created by piers must be minimized.

   a. The width of the modified portion of a pier or proposed new pier must not exceed four (4) feet for single use or six (6) feet for joint use. Pier width for marinas or public use docks may exceed these restrictions if they provide mitigation, which may include artificial lighting under the pier during daytime hours.

b. Functional grating resulting in a total open area of a minimum of thirty percent (30%) must be installed on all new or replacement piers that are four to six feet (4-6') wide. For example, this can be achieved by installing grating with sixty percent (60%) open area on at least fifty percent (50%) of the pier or by grating a larger percentage of the pier with grating with openings of less than sixty percent (60%). Site conditions may require pier to be one hundred (100%) or fully grated.

c. For all sections of the pier that span upper intertidal areas with obligate vegetation, that pier section shall be fully grated with grating having sixty percent (60%) open area.

6.3.7.3 Float Regulations

1. Principle: Sharp shadows cast by floats and float tubs have been shown to discourage salmonids and other young fish from passing underneath, forcing them into deeper water where their chance of being preyed upon is increased and water temperature and conditions are different. In the case of rockfish, they give birth to live larval young that spend several months being passively dispersed by tidal fluctuations, as they mature they move out to deeper water but initially are at a high risk of predation. Manmade shade creates artificial pockets of opportunity for the predators of young fish and unlike the shade from overhanging vegetation the negative impacts outweigh the benefits. Finally, to prevent damage to the substrate, benthic invertebrate communities and vegetation, floats should not rest on substrate low tide and should be fully encased to prevent the deterioration and dispersion of floatation materials.

   a. For a single-use structure, the float width must not exceed eight (8) feet and the float length must not exceed thirty feet (30'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.

   b. For a joint-use structure, the float width must not exceed eight (8) feet and the float length must not exceed sixty feet (60'). Functional grating must be installed on at least fifty percent (50%) of the surface area of the float.

   c. To the maximum extent practicable, floats must be installed with the length in the north-south direction.

   d. If the float is removed seasonally, the applicant needs to indicate this in their application along with the proposed storage location. Floats should be stored above mean high/high water/ordinary high water line at a City approved location. City authorization may be required if the float will be stored within City jurisdiction (even within a marina).

   e. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by

ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.

f. Flotation components shall be installed under the solid portions of the float, not under the grating.

g. If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed six (6) feet in width and ten (10) feet in length.

6.3.7.3.1 Float Stop Regulations

1. Principle: Floats need to be above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops on pilings designed to anchor floats, installing a few stub pilings, or in certain situations it could be appropriate to install float feet. In all cases, the stops must be able to fully support the entire float during all tidal elevations.

   a. Floats need to be suspended a minimum of one foot (1') above the tidal substrate at all tide levels.

   b. To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations.

   c. If float stops attached to pilings are not feasible, then up to four 10 inch diameter stub pilings can be installed instead, except an additional two may be installed for joint-use floats.

   d. Float feet attached to the float may be considered an option only under these circumstances:

      i. In coarse substrate, D252 of 25mm or larger for a grain size sample taken from the upper one foot of substrate;

      ii. For elevations of minus 3 MHHW and lower at D25 of 4mm or larger for a grain size sample taken from the upper one foot of the substrate (intent is to exclude muck);

      iii. For repair or replacement of existing float feet if the following two conditions are met: (1) substrate looks like it contains mostly gravel (no analysis needed, picture sufficient), and if (2) proposed replacement or repair includes other improvements of the environmental baseline like the removal of creosote-treated piling and increased amounts of grating.

   e. Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers and/or float support/stub pilings.

i. For a single-use float, a maximum of four (4) pilings (not including stub piling), helical screws, or "duckbill" anchors can be installed to hold the float in place.

ii. For a joint-use float, a maximum of eight (8) piling or helical screw or "duckbill" anchors can be installed to hold the float in place.

iii. If anchors and anchor lines need to be utilized, the anchor lines shall not rest on the substrate at any time.

iv. In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the Administrator concurs with this rationale, an approved anchor of another type (i.e., concrete block) may be permitted.

6.3.7.4 Regulations – Residential Community and Joint-use Piers and Docks

1. Any hotel, motel, and/or multifamily residential development proposing to provide moorage facilities shall be required to construct a single, joint-use moorage facility. The Administrator may authorize more than one joint-use moorage facility if a single facility would be inappropriate or undesirable, given the specific conditions of the site. Facilities for moorage of six (6) or more vessels are considered a marina and must meet regulations in Section 5.3, Boating Facilities.

2. Proposals for community or joint-use piers and docks shall demonstrate, by proof of recording of a covenant binding current and future parties, that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties. The proposed covenant shall be filed as part of the permit application and recorded after final approval. An access easement to joint use dock shall be granted for all lots or dwelling units.

3. In Blakely Harbor:

   a. A total of two (2) community docks shall be a conditional use within the upland, and aquatic designations with no more than one along each the north and south shores, respectively, provided that all residents along each shore shall have a non-extinguishable option to access the community dock located along their respective shore;

   b. One day time use public dock and/or pier for the mooring of dinghies and loading or unloading of vessels shall be a conditional use within the upland and aquatic designations; and

   c. Such community and public docks shall comply with this master program and other applicable laws; shall be the minimum size necessary; and shall be sited and designed to mitigate adverse impacts to navigation, views, scenic character, and natural resources as much as possible. Such community and public docks shall

also be reasonably passable to swimmers, beach walkers, and human-powered water craft.

6.3.7.5 Regulations – Commercial/Industrial Facilities Piers and Docks

These standards apply to piers and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas. (See also Section 5.3, Boating Facilities, Section 5.4, Commercial Development, and Section 5.6 Industrial Development.)

1. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until the access needs of adjacent commercial and/or industrial enterprises have been determined.
2. Commercial or industrial piers or docks shall not extend offshore farther than the most shoreward of the following:
    a. The average length of the piers on the two adjoining properties;
    b. In Eagle Harbor, the Constriction Limit Line;
    c. Elsewhere, the distance necessary to obtain a depth of four feet (4.0') of water as measured at extreme low tide at the landward limit of the moorage slip; or
    d. The line of navigation; and
    e. In no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City review and approval.
3. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.
4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

6.3.7.6 Regulations – Residential (Joint, Community and Individual) Piers and Docks

1. New subdivisions and short subdivisions with shoreline frontage shall be required to provide community docks rather than individual, private docks.
2. Size.
    a. Maximum width of a pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use. (See 6.3.7.1 Regulations – Specific, above, for additional restrictions.); and
    b. The length shall not extend beyond the average length of adjacent docks, within five hundred feet (500') of the proposed location or the distance necessary to

obtain a depth of nine feet (9') of water as measured at mean lower-low water (MLLW) at the landward limit of the moorage slip, whichever is closer to shore. A dock shall not extend beyond the adjoining property dock or the line of navigation and in no case shall piers and their associated ramps and floats extend greater than 15% of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for City ~~County~~ review and approval; and

c. In Eagle Harbor, a pier or dock shall not extend beyond the Construction Limit Line; and

d. A pier or dock shall not extend beyond the Harbor Structure Limit line shown in Appendix E.

3. Side-yard Setbacks.

   a. Docks, piers and floats shall be set back a minimum of ten feet (10') from side property lines, except that community piers, docks, and floats may be located adjacent to or upon a side property line when mutually agreed to by covenant with the owners of the adjacent property. A copy of the covenant must be recorded with the County Auditor and filed with the application of the permit.

4. Community docks and piers shall include no more than one (1) moorage space per dwelling unit or lot.

6.3.7.7 Regulations – General Mooring Buoys and Recreational Floats

1. Mooring buoys and recreational swim floats use shall be permitted in the Aquatic environment offshore from Island Conservancy, Shoreline Residential, Shoreline Residential Conservancy, and Urban designations.

2. Mooring buoys for commercial use shall be permitted only as conditional uses offshore from the Urban designation. Mooring buoys for public open water moorage and anchorage areas shall be permitted in the Aquatic designation offshore of all upland designations.

3. No more than one structure may be installed for each ownership. However, properties that contain at least two hundred (200) linear feet as measured along the shoreline may be permitted more installations on a case by case basis as determined by the City and the State Department of Natural Resources [WAC 332-30-148(3) or its successor], Properties where the waterfront lot is owned in community, may be permitted, additional mooring buoys with the total not more than one (1) per one hundred (100) linear feet of shoreline ownership.

4. Mooring buoys for commercial vessels adjacent to commercial or industrial zones are a Shoreline conditional use. One buoy is allowed per ownership.

5. A contractor doing waterfront work involving floating equipment may have one (1) temporary mooring buoy provided it is the responsibility of the contractor to ensure that all necessary permits are obtained from all agencies with jurisdiction.

6.3.7.8 Regulations – Location, Design and Construction Standards Mooring Buoys and Recreational Floats

1. In order to protect shellfish beds, new moorings buoys shall not be permitted where density will exceed one buoy per one hundred (100) linear feet.
2. Buoys shall not interfere with navigation, shall be visible in daylight one hundred (100) yards away, and shall have reflectors for night visibility.
3. If a buoy is located offshore of the extreme low tide line, the owner shall obtain a lease for the bed of navigable waters from the Department of Natural Resources. [RCW 79.105.430 or its successor].
4. Buoys shall lie between the waterfront property side lot lines extended beyond the shoreline, except those on state waters. Buoys shall not swing across the extended side lot lines. Where the configuration of the waterfront lot precludes these requirements, authorization from the affected adjacent waterfront property owners must be obtained. This provision shall not apply to buoys for public open water moorage and anchorage areas.
5. Mooring buoys shall be installed at least sixty (60) feet from other permitted piers, docks, or floats.
6. Buoys shall be located:
    a. At a minimum depth of nine feet (9') MLLW with a standard single mid line float; the minimum depth may be reduced with an alternate system approved by the Administrator; and
    b. Landward of the Construction Limit Line in Eagle Harbor;
    c. Landward of the Harbor Structure Limit Line shown in Appendix E;
    d. Elsewhere not more than two hundred feet (200') beyond extreme low tide, the -18 feet MLLW depth contour, or the line of navigation, whichever is appropriate. The placement of rafts and buoys beyond the -18 feet MLLW contour or 200 feet will be evaluated on a case by case basis. [WAC 332-30-148(2) or its successor]; and
    e. Buoys for public open water moorage and anchorage areas shall be allowed waterward of the Construction Limit Line in Eagle Harbor.
7. Recreational floats shall be located as close to shore as possible. and no farther waterward than the following limits:
    a. In Eagle Harbor, the Construction Limit Line; or

b. Elsewhere, the distance necessary to obtain a depth of four feet (4') of water as measured at extreme low tide at the landward end of the float, or the line of navigation, whichever is closer to shore.

8. Recreational floats must be built so that the deck surface is one foot (1') above the water's surface and shall have reflectors for night visibility.
9. Recreational floats shall not exceed eight feet (8') by feet (8').
10. All recreational floats shall include stops, or device or system approved by the Administrator, which serve to keep the floats off the bottom of tidelands at low tide, see Section 6.3.7.3.1, Float Stop Regulations.

5. Survey of littoral boundary lines;
6. Location, width, height, and length of piers or docks on adjacent properties within five hundred feet (500') of proposed structure;
7. Agreements, if any, for cooperative use; and
8. Method of removing piling, if applicable.

6.4 Dredging and Dredge Material Disposal

6.4.1 Applicability

Dredging is the removal of material from the bottom of a water body. The purposes of dredging might include: deepening a navigational channel, berth, or basin; streambed maintenance; use of dredged material for fill or habitat enhancement (effective reuse); and removal of contaminated sediments. Dredged material disposal on land is also subject to the fill policies and regulations of this program. Pursuant to WAC 173-27-040 or its successor, certain activities, such as those associated with normal maintenance and repair, are exempt from the requirements for a SSDP, but may still require a letter of exemption, shoreline conditional use permit or variance.

All actions are required to comply with the Shoreline Management Act and all provisions of the Master Program. Department of Ecology and US Army Corps of Engineers notifications of dredging proposals will be reviewed by the City to determine whether the activity is exempt from the requirements for a substantial development permit and to ensure compliance with regulations of the Act and the Master Program.

Dredging activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.0, General (Island-wide) Policies and Regulations; Section 4.1.3, Vegetation Management; Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management; Section 6.5 Fill~~; and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.4.2 Goal

Minimize dredging and dredge material disposal within the shoreline jurisdiction.

6.4.3 Policies

1. Design and locate new development to avoid dredging and discourage operations, including disposal of dredge materials. When dredging cannot be avoided, the operations and dredged material disposal shall be located and conducted in a manner which minimizes damage to the ecology and natural resources of both the area to be dredged and the disposal site.
2. Prohibit dredging for the primary purpose of obtaining fill material except for projects associated with state or federal environmental remediation operations or authorized habitat restoration.
3. Plan and conduct dredging operations to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
    a. Dredging for the purpose of establishing, expanding, relocating or reconfiguring a navigation channel should be allowed where necessary to assure safe and efficient accommodation of existing or proposed navigational uses and then only when ecological impacts are minimized and mitigation is provided to offset adverse impacts.
    b. Maintenance dredging of established navigation channels should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

6.4.4 Regulations – Prohibited

1. New dredging activity is prohibited in the following:
    a. In environmentally sensitive habitats (e.g., stream mouth estuaries, wetlands) except by shoreline conditional use permit.
    b. Along net-positive drift cells and/or where geo-hydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost.
    c. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity, thus resulting in the need for continual maintenance dredging.
    d. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
    e. In areas where concentrations of environmental pollutants or toxic chemicals are present in the bottom of sediments and would be released in dredging operations, except as part of a permitted environmental enhancement or remediation program.

f. For the primary purpose of obtaining material for landfill, upland construction, or beach nourishment is prohibited.

g. On or in archaeological sites

2. Dredging shall be prohibited in the Priority Aquatic Category A designation.

6.4.5 Regulations - General

1. Dredging is a conditional use in the Aquatic designation if permitted in the upland designation and shall be for the restoration, enhancement, or maintenance of natural resources and navigational channels or for publically-owned ferry terminals. Dredging shall be permitted as a conditional use in the Priority Aquatic Category B designation as part of an approved restoration proposal.

2. Proposals for dredging and dredge spoil disposal, when permitted, shall:

   a. Be kept to the minimum necessary to accommodate the proposed use;

   b. Comply with applicable federal, state, and other local regulations;

   c. Employ appropriate measures to protect public safety and prevent adverse impacts on other approved shoreline uses;

   d. Taken appropriate measures to ensure the activity will not interfere with fishing or shellfish harvesting;

   e. Employ appropriate best management practices to protect marine, estuarine, freshwater and terrestrial species and critical saltwater habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities;

   f. Be scheduled so as to not materially interfere with the migratory movements of anadromous fish;

   g. Not adversely alter natural drainage and circulation patterns, currents, and tidal flows, or significantly reduce flood water capacities.

   h. Utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging;

   i. Not interfere with geohydraulic processes;

   j. Be found, through analysis by a qualified professional, to be minimally or nonpolluting; and

k. Revegetate land disposal sites with native vegetation species and other approved plants shall be required according to Section 4.1.2.5, Regulations – Revegetation Standards.

6.4.6 Regulations – Specific Dredging

1. Dredging, when allowed in Section 6.4.5, Regulations – General, shall support the following uses and developments:
   a. Approved harbors, marinas, ports, and water-dependent industries;
   b. Development or maintenance of essential public infrastructure and facilities;
   c. Environmental clean-up activities required by the Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
   d. Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
   e. Maintenance dredging for the purpose of restoring a lawfully established industrial or commercial water-dependent development;
   f. Maintaining, establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
   g. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
   h. Public access and public water-oriented recreational developments/uses, including construction of public piers and docks.
2. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3. Maintenance dredge options shall occur in the same location, depth, and width as previously permitted.

6.4.7 Regulations – Dredge Material Disposal

1. All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations.
2. When consistent with this Program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:
   a. To restore or enhance habitat;
   b. To reestablish substrates for fish and shellfish resources;

c. To nourish beaches that are starved for sediment; or

d. To remediate contaminated sediments.

6.5 Fill

6.5.1 Applicability

Fill is the placement of soil, sand, rock, gravel, existing sediment, or other material (excluding solid waste) along the shoreline below the OHWM, or on wetland or upland of the OHWM Fill activities shall only be allowed as part of an approved shoreline use and/or development activity and shall be subject to the requirements of the principal use/development. Speculative fill activity is prohibited. Any fill activity conducted within shoreline jurisdiction must comply with the following policies and regulations. Beach nourishment as defined in the Shoreline Master Program shall not be considered fill. Excavation waterward of the ordinary high water mark is regulated under Section 6.4, Dredging and Dredge Material Disposal. Fill activities will be reviewed under the "no net loss" provisions of Section 4.1.2, Environmental Impacts, and may also be reviewed under Section 4.1.4, Land Modification; Section 4.1.5, Critical Areas; and Section 4.1.6, Water Quality and Stormwater Management~~; and Appendix B, when applicable~~. Other portions of this Program may also apply.

6.5.2 Policies

1. Allow fill waterward of the OHWM only when necessary to facilitate commercial or industrial water-dependent and/or public access uses, and/or cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, and is a conditional use.
2. Permit landfill landward of OHWM when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
3. Limit fills to the minimum extent necessary to accommodate an approved shoreline use or development and ensure fills are designed and located so that there will be no significant damage to existing natural resources, including surface water drainage systems, and with assurance of no net loss of shoreline ecological functions and ecosystem-wide processes.
4. Ensure the evaluation of fill projects addresses the following factors:
   a. Impacts to shoreline ecological functions and ecosystem-wide processes;
   b. Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs; and
   c. Navigation restriction.
5. Ensure fill projects are designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.

6.5.3 Prohibited

1. Speculative fill activity.
2. Fill that will result in significant adverse impacts that cannot be avoided or mitigated.
3. Fill in the Priority Aquatic designations.

6.5.4 Regulations - General

1. Fill is allowed as a conditional use as follows:
    a. In the Urban, Shoreline Residential, and Shoreline Residential Conservancy designations.
    b. In the Island Conservancy and Natural designations only for the restoration, enhancement, or maintenance of natural resources. See Section 4.1.8, Shoreline Restoration and Enhancement for additional requirements and permit requirements.
    c. In the Aquatic designation, for commercial or industrial water-dependent or essential public facilities, or as part of a permitted environmental enhancement or remediation project.
2. When allowed in (1) above, fill waterward of the OHWM shall be necessary for:
    a. Approved marinas, ports, and other water-dependent industries where upland alternatives or structural solutions including pile or pier supports are infeasible.
    b. Development or maintenance of essential public infrastructure and facilities.
    c. Environmental clean-up activities required by MTCA and CERCLA.
    d. Maintenance of a lawfully established use or development.
    e. Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat.
    f. Public access and public water-oriented recreation projects benefiting substantial numbers of people.
3. Pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if the pile or pier supports are demonstrated to be infeasible.

6.5.5 Regulations – Location, Design and Construction

1. When allowed in 6.5.4, above, filling and/or excavation shall be located, designed, and carried out in a manner that;
    a. Minimizes adverse impacts on the shoreline environment including significant damage to water quality, critical saltwater habitat;

b. Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline;

c. Does not require shoreline stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline stabilization measures are needed to keep the material in place; and

d. Does not adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.

2. Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

3. Where fills reduce public access, compensatory public access shall be provided as part of the development project.

4. Fill proposals shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms, and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill.

5. Fill materials shall be sand, gravel, soil, rock, or similar material. Use of contaminated dredge material is prohibited. (See Section 5.6, Industry and Section 6.4 Dredging and Dredge Disposal)

6. The timing of any fill construction shall be regulated to minimize damage to water quality and aquatic life within the time restraints recommended by the Washington State Department of Fish and Wildlife.

7.0 VIOLATIONS, ENFORCEMENT, AND PENALTIES

7.1 General

The Administrator and the Department of Ecology are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of the Shoreline Management Act (RCW 90.58.200) and Chapter 173-27, Part II, WAC. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms available to the City in accordance with WAC 173-27-240 through WAC 173-27-300, or its successor. The City and/or the Department of Ecology shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the this Master Program, in accordance with WAC 173-27-270, or its successor.

When joint-enforcement actions between the state and the city are under taken, the provisions in RCW 90.58.210-230 and WAC 173-27-240-300 shall apply.

7.2 Regulations

7.2.1 Site Investigations

The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this Master Program in accordance with BIMC Chapters 1.16, Right of Entry for Inspection, and 1.26, Code Enforcement.

7.2.2 Violations -- General

It is unlawful for any person to initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.3 Violations -- Specific

It is unlawful for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city without first obtaining permits or authorizations required by this Master Program, or in a manner that violates the terms or conditions of such permits or authorizations.
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this Master Program.

3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Master Program.

7.2.4 Stop Work Order

The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this Master Program.

7.2.5 After the Fact Permit Fee

After the fact application fees shall be triple the amount established by City Council resolution.

7.2.6 Violation Mitigation/Restoration Plan

Any Mitigation/Restoration Plan (Plan) required for a disturbance not authorized by this shoreline management program or approved by the City shall meet the provisions in Sections 4.1.2, Environmental Impact; 4.1.5 Critical Areas ~~including Appendix B;~~ and 6.0, Shoreline Modification Policies and Regulations, and provide an analysis of lost functions over the period of violation.

All development work shall remain stopped until a Plan is approved by the Administrator. The Plan must be prepared at the expense of the violator, and submitted by the owner or other responsible party for approval by the Administrator. Such a Plan shall be prepared by a qualified professional using the best available science. The Administrator may, at the violator's expense, seek expert advice, including an independent third party review, in determining the adequacy of the Plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

Any person, party, firm, corporation, or other legal entity that willfully refuses to complete a required restoration plan pursuant to this section, shall be guilty of a misdemeanor and provide shoreline restoration, in accordance with provision of this program, at a rate of 200% (ratio of 2 to 1) the impacted area.

7.2.7 Civil Infraction

Except as provided in subsection 7.2.8, Misdemeanor, conduct made unlawful by the city under this Master Program shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26, Code Enforcement and in compliance with WAC 173-27-280.

7.2.8 Misdemeanor

Any person who again violates this Master Program within 12 months after having been found by the Bainbridge Island Municipal Court to be in violation of this Program, commits a misdemeanor and any person who is convicted of that violation shall be punished as provided in BIMC 1.24.010.A.

7.2.9 Civil Penalty

In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person who shall fail to conform to the terms of a permit or exemption issued under this shoreline master program or who shall undertake development on the shorelines of the state without first obtaining any permit or exemption required under this shoreline master program shall also be subject to a civil penalty in the amount not to exceed $1,000 per day for each violation, each permit violation or each day of continued development without a required permit shall constitute a separate violation [RCW 90.58.210 or successor]; from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090

7.2.10 General Penalties

In addition to incurring civil liability under section 7.2.9 Civil Penalty, any person, party, firm, corporation, or other legal entity found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this shoreline master program's rules, or regulations as adopted shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars [RCW 90.58.220, or successor].

7.2.11 Additional Remedies

In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the City may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this Master Program to prevent, enjoin, abate, and/or terminate violations of this Master Program and/or to restore a condition that existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this Master Program shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.

7.2.12 Conflicts

In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in this Master Program, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

7.2.13 Financial Surety Procedure

After reviewing any application or exemption for a shoreline development, the Administrator may require the posting of a financial surety to ensure continued compliance with any conditions imposed, including the construction of improvements, the adherence to city standards, and/or maintenance, repair or replacement of such improvements in accordance with Section 4.1.2.7, Bonding. The financial surety shall be in a form acceptable to the city attorney. In the event a condition occurs warranting the use of financial surety, the Administrator may act under such financial surety or may perform the work required at city expense, which expense shall be a lien against the property, enforceable as would be a judgment thereon.

8.0 DEFINITIONS

Abutting –Bordering or touching, such as by sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting.

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

Accessory Dwelling Unit – Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

Accessory Development – Any development incidental to and subordinate to a principal use of a shoreline site and located on adjacent thereto.

Accessory Use – A use that is customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses.

Accretion – The growth, expansion, build up, or deposit of material associated with a natural fluid flow process.

Accretion Beach – A place where sediment, usually sand, falls out or accumulates, causing the beach to widen. These sinks are usually, but not always, at the terminal end of littoral drift cell.

Accretion Shoreform – The growth of a beach by the addition of material transported by wind and/or water. A shoreline with a relatively stable berg and backshore that has been built up by long term deposition of sand and gravel transported by wind and/or water from a feeder bluff or other material source. Examples of accretion shoreforms include~~s~~ shoreline features such as barrier beaches, accretion beaches, points, sand spits, hooks, and tombolos.

Act – The Shoreline Management Act of 1971, Chapter 90.58 RCW, or its successor [WAC 173-26-020(1), or its successor].

Activity – Human activity associated with the use of land or resources **regulated by this Program**.

Adjacent –That which is near or close; for example, a property located across the road or highway shall be considered ~~as~~ adjacent.

Adjacent Lands – Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Adjoining – Immediately abutting or separated only by a street right-of-way.

Administrator – Director of the Department of Planning and Community Development, or designee, charged with responsibility for administering the Shoreline Master Program.

Anthropogenic – Landscape alteration relating to, or from human development, use, action or activity.

Adverse Impact – An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

Agricultural Land – Land primarily devoted to agricultural operations.

Agriculture Operations – Any facility or activity for the production for production for commercial or family use purposes of dairy, apiary, livestock, camelids, ratites, vegetable or animal products, and crop products including, but not limited to, ornamental crops. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture. Agriculture operations include upland fish farms which are self-contained, meaning they do not connect with waters of the state such as: natural or channelized stream, tributary, wetland, or marine water body.

Agricultural Activities – Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Alteration – Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

Alteration, structure -- a change, modification**, expansion** or adjustment.

Anadromous Fish – Species such as salmon, which are born in freshwater, spend most of their life cycle in saltwater, and return to freshwater to reproduce.

Applicant – An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency, or the state or local governmental unit, however designated [RCW 90.58.030(1)(d) or its successor].

Appurtenance – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and/or the perimeter of a wetland. An appurtenance can include a garage, boat house, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards (except to construct a conventional drainfield) [WAC 173-27-040(2)(g), or its successor].

Appurtenance, Primary – A structure or development connected to a single-family residence and considered essential to the principal residential use when protecting the appurtenant structure from danger from active shoreline erosion. An attached garage or one detached garage and a septic drainfield are primary residential appurtenances. [WAC 173-26-231(3)(a)(ii), or its successor].

Aquaculture – The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery. Upland finfish rearing facilities are included in the definition of agriculture and are not considered aquaculture for the purpose of this SMP. Aquaculture activities include, but are not limited to, the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals, and the maintenance and construction of necessary equipment and buildings. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets, and the planting and harvesting of clams and oysters.

Aquaculture, Shellfish Garden – The cultivation, harvesting, and incidental preparation of shellfish for personal human use and consumption on public and private tidelands

Aquaculture Practices – Any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including, but not limited to, propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

Aquaculture Processing – A commercial or industrial activity that involves preparing, fish or shellfish for human use or consumption by packaging, canning, freezing or other means of final wholesale or retail production.

Aquifer recharge protection area -- A portion of a development site comprised of native or equivalent vegetation in which existing vegetation, topography and supporting soils are free of development, uses or activities detrimental to the aquifer recharge of the total site area.

Arborist -- An individual engaged in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide for or supervise the management of trees and other woody plants. Must be concurrently an International Society of Arboriculture (ISA) Certified Arborist to perform any role required of a Certified Arborist.

Arborist, ISA Certified -- An arborist holding a current International Society of Arboriculture (ISA) Certified Arborist credential.

Arborist, Tree Risk Assessment Qualified (TRAQ) -- An arborist who has successfully completed the International Society of Arboriculture (ISA) TRAQ training course and assessment and holds a valid ISA TRAQ credential.

Archaeological – Having to do with the scientific study of material remains of past human life and activities.

Archeological Resource – Any material remains of human life or activities which are at least fifty (50) years old and which have potential to provide new information in the fields of history and archaeology. This shall include all sites, objects, structures, artifacts, implements and locations of prehistoric or archeological interest. This shall include but not be limited to burial grounds, campsites, dwellings, and implements, such as projectile points, basketry, grinding stones or pestles, carvings and paintings. This shall include material remains of human life or activities from historic periods that are located at least partially below the ground surface necessitating the use of archeological methods for study or recovery. "Significant" is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and;

a. That are associated with events that have made a significant contribution to the broad patterns of our history; or

b. That are associated with the lives of significant persons in our past; or

c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. That have yielded or may be likely to yield, information in history or prehistory.

Archaeologist, Professional – A person who meets the minimum qualifications of the secretary of the interior's standards for a professional archaeologist [WAC 27.53.030, or its successor] and the following: who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

Architectural Element – Aesthetic components of a primary building or structure that accents the overall design of the structure. A chimney may be considered an architectural element.

Associated Wetlands – Wetlands that are in proximity to tidal water, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline water body, formation by tidally influenced geo-hydraulic

processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the one hundred (100) -year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

Aquatic – Those areas waterward of the ordinary high water mark.

Average Grade Level – The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure, provided that, in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure [WAC 173-27-030(3) or its successor]. Note: This definition of "average grade level" differs from the definition in the City of Bainbridge Island Zoning Code (Chapter 18 of the City of Bainbridge Island Municipal Code). Structures within shoreline jurisdiction shall comply with the definition contained herein.

Backshore – The accretion or erosion zone, located landward of the line of ordinary high water, which is normally wetted only by storm tides. A backshore may take the form of a more or less narrow storm berg (ridge of wave-heaped sand and/or gravel) under a bluff, or it may constitute a broader complex of berms, marshes, meadows, or dunes landward of the line of ordinary high water. It is part of the littoral drift process along its waterward boundary.

Backshore Marina – See Marina

Bank stabilization -- Modification used for the purpose of preventing erosion, protecting channels, and retaining uplands.

Barrier Beach – A linear ridge of sand or gravel extending above high tide, built by wave action and sediment deposition seaward of the original coast line; includes a variety of depositional coastal landforms.

Barrier Estuary – estuary isolated from open bodies of water by a barrier, with tidal exchange occurring through a narrow entrance channel. Usually but not always associated with a significant fresh water source.

Barrier Lagoon – barrier built lagoons that lack significant freshwater source, only coincidentally associated with streams of significant upland catchment areas. See Lagoon and Tidal Lagoon.

Bathymetry – Depth of a water body relative to sea level, may include underwater features and shapes.

Beach – The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Beach Face – The steep part of the beach profile below the berg, which is normally exposed to the swash of waves and generally composed of gravel, although it can contain sand or boulders.

Beach Enhancement – The alteration of terrestrial, tidal shorelines or submerged shorelines for the purposes of habitat improvement, creation, recreational enhancement, or soft-treatment stabilization. The materials used depend upon the intended use. The following are examples of materials which may be used in enhancement projects:

a) Various grades of clean sand or pea gravel to create a beach for recreational purposes.
b) A combination of a rock matrix and sand or other materials to restore or recreate a shore feature or an underwater aquatic environment (e.g. a reef).
c) Use of native vegetation to restore marine riparian habitat functions native vegetation.

Beach Nourishment – The process of replenishing a beach by artificial means; e.g., by delivery of selected materials excavated from elsewhere and depositing it at one or several locations in the updrift portion of a drift cell. The material is then naturally transported by waves or currents downdrift to stabilize or restore accretion shoreforms and other berms, which may be eroding due to artificial obstructions in the shore process corridor.

Beach Profile – A vertical cross section of a beach measured perpendicular to the shoreline.

Beach Restoration – The alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of aquatic habitat, re-establishing ecological function and ecosystem wide processes such that the ecosystem is self-sustaining.

Beach Scarp – A steep slope formed in response to the lowering of the beach profile and landward expansion of the beach face into the backshore as a result of wave erosion. A beach scrap is normally associated with a beach berg.

Bedlands – Those submerged lands below the line of extreme low water in marine waters.

Benthic Community – A grouping of benthic organisms that live in and on the bottom of the ocean floor.

Benthic Organisms – Organisms that live in or on the bottom of a body of water.

Berm (Beach Berm) – The nearly horizontal portion at the beach or backshore formed by the deposition of sediments by waves. Some beaches have more than one berg at slightly different levels, separated by a scarp. A berg is also, a soft-treatment form of shoreline stabilization or a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Technology – The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective, and (preferably) low maintenance.

Best available science (BAS) -- Scientifically valid information derived in accordance with WAC 365-195-900 through 925, or as amended, that is used to develop and implement critical areas policies or regulations.

Best Management Practice (BMP) – Industry-established guidelines that are advised to reduce or eliminate anticipated adverse impacts to the environment from construction, development or other human activity.

BIMC – Bainbridge Island Municipal Code.

Biocide – See pesticide

Biodiversity areas and corridors -- Areas of habitat that are relatively important to various species of native fish and wildlife.

a. Biodiversity areas.
   i. The area has been identified as biologically diverse through a scientifically based assessment conducted over a landscape scale (e.g., ecoregion, county- or city-wide, watershed, etc.). Examples include but are not limited to WDFW Local Habitat Assessments, Pierce County Biodiversity Network, and Spokane County's Wildlife Corridors and Landscape Linkages; or
   ii. The area is within a city or an urban growth area (UGA) and contains valuable fish or wildlife habitat and is mostly comprised of native vegetation. Relative to other vegetated areas in the same city or UGA, the mapped area is vertically diverse (e.g., multiple canopy layers, snags, or downed wood), horizontally diverse (e.g., contains a mosaic of native habitats), or supports a diverse community of species as identified by a qualified professional who has a degree in biology or closely related field and professional experience related to the habitats or species occurring in the biodiversity area. These areas may have more limited wildlife functions than other priority habitat areas due to the general nature and constraints of these sites in that they are often isolated or surrounded by highly urbanized lands.

b. Corridors. Corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, areas identified as biologically diverse, or valuable habitats within the city.

Biofiltration System – A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds, and other vegetative features.

Biological Diversity; Biodiversity – The range of physical (habitat) and biological (species, communities) components, the ways that species interact with the physical environment, and the processes necessary to maintain these interactions through time.

Bioengineering – See Shoreline Stabilization, Bioengineered

Biophysical – Physics of biological functions and ecosystem-wide processes.

Biota –The animals and plants that live in a particular location or region.

Bluff, Marine – A high, steep bank or cliff.

BMP – See Best Management Practices.

Boat House – A building used primarily for boat storage.

Boat Launch or Ramp – Graded slopes, slabs, pads, or planks, used for launching boats by means of a trailer, hand, or mechanical device.

Boat Lift – An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A boat lift is a manufactured unit without a canopy cover and may be place in the water adjacent to a dock, attached to the dock, or as stand-alone structure. A boat lift may be designed either for boats or personal watercraft. A boat lift with a canopy cover shall be considered moorage for the purposes of this Program.

Boating Facilities – Includes marinas, boat launch facilities, dry storage facilities, marine travel lifts, and fixed marine railways serving commercial, industrial uses or serving five or more single-family residences.

Boat Storage Deck – A deck used for the storage of boats.

Bog – A low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-29, October 2014).

Breakwater – Offshore structure, usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves. The primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

Buffer – An area of land that is designed and designated to permanently remain vegetated in a predominantly undisturbed and natural condition and/or an area that may need to be enhanced to support ecological processes, or ecosystem-wide functions and to protect an adjacent aquatic or wetland area from upland impacts and to provide habitat for wildlife. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. The "Shoreline Buffer" is a buffer protecting the ecology and resources of and along the Puget Sound. A buffer may be used to protect any sensitive area, including geological hazardous areas.

Building – Any structure having a roof, designated for shelter of persons, animals or property.

Bulkhead – A wall erected generally parallel to and located at or close to the ordinary high water mark for the purpose of containing and preventing the loss of soil due to shoreline erosion caused by tidal action, current or waves. Bulkheads are usually constructed of hard materials and may be built of concrete, large rocks (riprap), or other materials. See also Seawall.

Canopy Area – See canopy coverage.

Canopy Coverage – The crown area of native shrubs and trees as measured from plan view.

Central Puget Lowland – The low areas between the Olympic and Cascade Mountain ranges extending from Admiralty Inlet and the Tacoma Narrows.

Channel – An open conduit for water either naturally or artificially created, but not including artificially created irrigation, return flow, or stock watering channels. [WAC 173-22-030(8b) or its successor]. See also Stream.

Channel Migration Zone (CMZ) – The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

City – The City of Bainbridge Island.

Clean Water Act – The primary federal law providing water pollution prevention and control. This was previously known as the Federal Water Pollution Control Act. (See 33 USC 1251 et seq.)

Clearing – Clearing means the destruction or removal of vegetation or plant cover including, but not limited to, root material removal by manual, mechanical, or chemical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, or uprooting.

Coastal Dune – A transitional zone between the marine and the continental processes and are a part of the sand sharing system between the dune, the beach, and the offshore bars.

Coastal Landform, Depositional – See accretion shoreform.

Coastal Processes – Collective term including the action of natural forces on the shoreline, and the nearshore seabed.

Coastline – The line where terrestrial processes give way to marine processes – tidal currents, wind waves, etc.

Commercial Development – Those developments whose principal use is for retail, personal and professional service or other commercial business activities. Included in this definition are developments such as hotels, motels, shops, restaurants, banks, professional offices, grocery stores, and laundromats. Not included, marinas, home occupations, utilities, and related utility development.

Commercial Fish – Those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

Community Structure – A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Community or Joint-use Dock – A structure or structures which consists of a system of piers, buoys, or floats that is intended for the common use of the residents of adjoining parcels or subdivision, short subdivision or community located on adjacent uplands. A community dock is

not a commercial endeavor or for the purpose of serving the public. If a community or joint-use dock is designed to accommodate six (6) or more vessels, it is no longer considered a community or joint-use dock, and it shall be considered a marina.

Compensatory Mitigation – A project for the purpose of mitigating, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

Conditional Use – A use or the expansion of a use permitted on shorelines which, because of certain characteristics, requires a special degree of review and consideration, and may require special conditions to assure that it is consistent with the intent and provisions of the Act and these regulations, and compatible with other uses permitted on shorelines.

Conditional Use Permit – A permit for a use, development or substantial development listed in the regulations as being permitted only as a conditional use, or not classified in this Program. Conditional uses are subject to review and approval pursuant to the provisions of BIMC Section 2.16.165(H) regardless of whether or not the proposal requires a substantial development permit.

Conservation Easement – A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

Construction Limit Line – In Eagle Harbor, defined on U.S. Army Corps of Engineers, Drawing, File No. E-8-5-6, dated December 22, 1939, approved by the Secretary of War, July 2, 1940. Used in the Master Program for local regulatory purposes.

Contaminant – Any chemical, physical biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels [WAC 173-200-020(7)].

Coppicing – Managing of strongly-regenerative species of trees and shrubs by an initial heading cut (leaving a stump) and allowing new shoots to grow to maintain live roots. Shoots may be reduced to their point of origin at appropriate intervals of time without disturbing the resulting coppice head (stump).

Council – Legislative body of the City of Bainbridge Island.

Covered Moorage – A roofed floating or fixed offshore structure with or without walls, for boat moorage or moorage of other water craft or float planes, designed to protect a vessel or vessels.

Critical Aquifer Recharge Area – Areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) use for portable water as defined by WAC 365-196-485(1)(d).

Critical Areas – The following areas are designated as critical areas:

a. Critical Aquifer Recharge Areas
b. Fish and Wildlife Habitat Conservation Areas
c. Frequently Flooded Areas
d. Geologically Hazardous Areas
e. Wetlands
f. Critical Saltwater and Freshwater Habitat Areas
g. Critical Habitat

Critical facilities – Facilities that are essential to the health and welfare of the community, including services that protect life and property. Such facilities include, but are not limited to, hospitals, emergency clinics, police and fire stations, emergency vehicle and equipment storage facilities, emergency operations centers, aviation control centers, and utility facilities such as sewage treatment plants and electric transmission substations.

Critical Habitat – Habitat areas identified by U.S. Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.

Critical Saltwater Habitat - Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association [WAC 173-26-221(2)(c)(iii)].

Cultural Resource – Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

a. Archaeological resources. Physical evidence of ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.
    i. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts.
b. Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.
    i. Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

c. Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

   i. Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

Cumulative Effects – The combined environmental impacts that accrue over time and space from a series of similar or related individual actions, contaminants, or projects. Although each action may seem to have negligible effect, the combined effect can be significant.

Cutting, vegetation – The removal of the main trunk or stem of a small tree for the purposes of controlling aggressive or weedy species.

Dam – A barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

Davit – A fixed crane intended to lift boats or cargo.

Degrade – To scale down in desirability or salability, to impair in respect to some physical property, or to reduce in structure or function.

Department – The city's Department of Planning and Community Development.

De Minimis – Minor or trivial impact which cannot be measured or is not quantifiable.

Deposition – The deposit of sediment in an area though natural means such as wave action or currents; may also be done through mechanical means by humans.

Development – A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or materials; bulkheading; pile driving; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level, subject to RCW Chapter 90.58 or its successor [RCW 90.58.030(3)(d) or its successor]. This term may include activities related to subdivisions and short subdivisions; clearing activity; land modification (grade and fill work); building or construction; and activities that are exempt from the substantial development permit process or that require a shoreline variance or conditional use.

Development Area – the approved portion of a project site that is developed, including the building pad and all graded slopes, all structures, landscaped areas, driveway and parking areas.

Development Regulations – The controls placed on development or land uses by the City, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW Chapter 90.58 , and subdivision ordinances together with any amendments thereto.

Dike – an artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting land from flooding.

Director – The director of the ~~department~~ city's Planning and Community Development Department or his/her designee.

Dock – A fixed platform structure anchored in and floating upon a water body that abuts the shore intended to provide landing which may include a ramp, pier, and float; generally used as a landing for water-dependent recreation or moorage for commercial and/or pleasure craft. Excluded are boat launch or boat ramps.

Dock, Joint or Community – A dock, pier and/or float for pleasure craft moorage or water recreation for exclusive personal use of multiple waterfront lot owners.

Downdrift – The direction of predominant alongshore sediment transport.

Dredge – To excavate or deepen a water body by removing aquatic substrate material. Also mechanical or hydraulic equipment used for excavation.

Dredge Spoil – The material removed by dredging. Same as dredge material.

Dredged Material Disposal – Depositing of dredged materials on land or into water bodies.

Dredging – Removal or displacement of earth or sediments such as gravel, sand, mud or silt, and/or other materials or debris from any stream, river, lake or marine water body, and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining navigation channels, turning basins, harbors and marinas; installing submarine pipelines or cable crossing; or repairing and maintaining dikes or drainage systems. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or cleanup of polluted sediments.

Drift Cell or Drift Sector – Drift cell, drift sector or littoral cell means a particular segment or reach of marine shore in which littoral sediment movement or drift may occur without significant interruption, and which contains any and all natural sources of such drift as well as any shoreform(s) accreted by such drift. Each normal drift cell contains these shore process elements: a feed source that supplies the sediments (feeder bluff or estuary), a driftway, along which the sediment can move, and accretion terminal where the drift material is deposited (accretion shoreform).

Drift Sills – Small groins which hold sediments in place without blocking longshore drift.

Driftway – That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

Dune – A hill or ridge of sand piled up by the wind and/or wave action.

Ecologically Intact – Those shoreline areas that retain the majority of their natural processes as evidenced by the shoreline configuration and the presence of vegetation or retain the ability to support vegetation. These areas may be partially developed.

Ecological functions or shoreline functions – The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC Section 173-26-201(2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

Ecology (Washington State Department of Ecology) – Use of "Ecology" or "Washington State Department of Ecology".

Ecosystem-wide processes – The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Educational or scientific activities – Controlled and/or supervised scientific activities or educational activities that are associated with an educational or scientific program that result in no adverse impacts to critical areas or their buffers.

Embankment – An artificial bank such as a mound or dike, generally built to hold back water or carry a roadway.

Embayment - A broad term for an inlet or indentation in the coastline. In this Program, it is restricted to features partly isolated from the rest of Puget Sound by their configuration and sufficiently small to limit wave action and beach processes. Also included are wetlands or other back-barrier water bodies isolated from direct tidal influence (surface exchange). Embayments include barrier estuaries and lagoons and may include some stream mouths and the heads of small bays.

Emergency – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a timer too short to allow full compliance with the Master Program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements and does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation,

upon abatement of the emergency, pursuant to the Master Program and RCW 90.58.030(3)(e)(iii); WAC 173-27-040(2)(d), or its successor. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not considered an emergency.

Engineering geologist – A practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

Enhancement – An action or alteration performed within an existing degraded shoreline, critical area, habitat and/or buffer to intentionally improve, increase or augment one or more functions or values of the existing area without degrading other functions. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species. Enhancements are to be distinguished from wetland/habitat creation or restoration projects by the need for on-going assistance to maintain the improved function.

Envelope – The enclosing shell of a building's volume.

Erosion – The wearing a way of land by the action of natural forces, such as wind, rain, water and other natural agents that mobilize, transport, and deposit soil particles; On a beach, the carrying away of beach material by wave actions, tidal currents, or littoral currents.

Erosion Hazard Area – A landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, including areas rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion; areas classified in the Department of Ecology Coastal Zone Atlas as Class 3, unstable, Class 3, unstable old slides, or Class 5, unstable recent slide; soils identified by the U.S. Department of Agriculture Natural Resource Conservation Service (NCRS) as having "severe" or "very severe" erosion hazards; and/or soils subject to impacts from shoreline retreat.

Estuary – A semi-enclosed coastal body of water in which fresh water and salt water mingle and affect the ~~total~~ land and water habitat. See also Pocket Estuary.

Estuary, Pocket – see Pocket Estuary

Essential Public Facility – Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; regional transit authority facilities as defined in RCW 81.112.020; state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.[RCW 36.70A.200, or its successor]

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

Estuarine, wetland – A vegetated wetland that is predominantly tidal, as described in Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-29, October 2014).

Estuarine Zone, Estuary – The zero-gradient sector of a stream where it flows into a standing body of water, together with associated wetlands. Tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels branching off the main streamway to form a broad, near-level delta. The bank, bed, and delta materials are typically silt and clay. Banks are stable with vegetation ranging from marsh to forest, and the water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in their natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

Excavation –The disturbance, displacement and/or disposal of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material from all areas landward of OHWM.

Exemption or Exempt Development – Certain developments as listed in WAC 173-27-040 and Chapter 90.58 RCW are exempt from the definition of substantial developments and, therefore, are exempt from the substantial development permit process of the Shoreline Management Act. An activity that is exempt from the substantial development provisions of the Shoreline Management Act must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also be required even though the activity does not need a substantial development permit. [RCW 90.58.030(3)(e) or its successor; WAC 173-27-030(7) and WAC 173-27-040, or its successor].

Existing Development ~~– Legally established structures which do not conform to the provisions in the 1996 Shoreline Master Program, as amended by ordinance 2013- on xx xx, 2013.~~ Development that was lawfully constructed, approved or established.

Extreme High Tide – The highest tide level reached in a nineteen (19) year tidal cycle.

Extreme Low Tide – The lowest line on the land reached by a receding tide [RCW 90.58.030(2)(a) or its successor]. For the purposes of the Shoreline Master Program, it is the contour 4.5 feet below Mean Lower Low Water (datum Plane 0.0) [WAC 332-30-106 (18), or its successor].

Fair Market Value – The expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or where no such value can be calculated, the total of labor, equipment use,

transportation, and other costs incurred for the duration of the permitted project [WAC 173-27-030(8), or its successor].

Feasible – When an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Feasible Location – A location that accommodates a development in a manner that achieves its intended purpose consistent with the constraints of the applicable land use regulations and characteristics of the property, including but not limited to lot size, configuration, presence/absence of critical areas and compatibility with adjacent land use/development. Feasibility shall take into account both short and long-term monetary and non-monetary costs and benefits.

Feeder Bluff, Erosional Bluff – Any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

Fetch – The distance over unobstructed open water on which waves are generated by a wind having constant direction and speed.

Fill – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area landward or waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. See Landfill.

Fill Material – Any solid or semi-solid material, including rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure that, when placed, changes the grade or elevation of the receiving site.

Fish – Species of the vertebrate taxonomic groups *Cephalospidomorphi* and *Osteichthyes*

Fish and Wildlife Habitat Conservation Areas – Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation

canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.~~A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors.~~ These ~~also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.~~

Fish habitat – Habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.

Fisheries – All species of fish and shellfish commonly or regularly originating or harvested commercially or for sport in Puget Sound and its tributary freshwater bodies, together with the aquatic plants and animals and habitat needed for continued propagation and growth of such species.

Fisheries biologist – A person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. "Substantially correct" means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:

a. Either:
   i. Certification by the American Fisheries Society, or;
   ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and

b. The prior successful completion of at least three habitat management plans.

Fisheries Enhancement – Actions taken to rehabilitate, maintain or create fisheries habitat, including but not limited to hatcheries, spawning channels, lake rehabilitation, planting of fisheries stocks. Fisheries Enhancement differs from Aquaculture in that the increase in fisheries stocks eventually becomes available for public harvest.

Float – A floating platform that moves vertically with a tide and is anchored or attached to a fixed or anchored overwater structure or an anchoring system.

Float, Recreational – A float used primarily for swimming, diving, water skiing, or other recreational purpose and not for the moorage of watercraft.

Floating Aquaculture Facility – Open water aquaculture facility which is consists of a mooring system and/or floats.

Floating house - any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used

as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.

Flood or Flooding, Coastal – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Protection Measures – All development on water bodies, usually rivers and streams, designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

Flood Hazard; Flood Hazard Management – A long term program or major project carried out on a single parcel or coordinated on a series of parcels for the primary purpose of preventing or mitigating damage to life and property and to minimize public expenses due to flooding through a comprehensive system of planning development regulations, building standards, structural works, and monitoring and warning systems. Flood hazard management projects or programs may employ physical and/or regulatory controls.

Floodplain – Synonymous with one hundred-year floodplain, this is the land area susceptible to being inundated by stream-derived waters with a one percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation and ordinance maps or a reasonable method that meets the objectives of the Shoreline Management Act [WAC 173-26-020(17) or its successor].

Floodway – Those areas or portions of the areas as identified in the Master Program that are either (a) established in federal emergency management agency flood insurance rate maps or floodway maps or (b) those portions of a river valley lying streamward from the outer limits of a watercourse, and upon which flood waters are carried during periods of flooding that occur with reasonable regularity, through not necessarily annually. The floodway is identified, under normal conditions, by changes in surface soil conditions, or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on flood regulation ordinance maps or by a reasonable method which meets the objectives of the Shoreline Management Act. [RCW 90.58.030(2)(g) or its successor].

Foreshore – In general terms, the intertidal area between mean higher high water and mean lower low water.

Foreshore Marina – See Marina.

Forest Practice – Any activity conducted on, or directly related to, forest land and relating to growing, harvesting, or processing timber. This includes (1) site preparation and regeneration, (2) protection from insects, fire, and disease, (3) silvicultural practices such as thinning,

fertilization, and release from competing vegetation, and (4) harvesting. Forest practices do not include log storage. (See industrial use.) These activities include, but are not limited to, road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010or its successor.

Forest Land – All land which is capable of supporting a merchantable stand of timber and is not being actively used in a way which is incompatible with timber growing [WAC 222-16-010 or its successor].

Frequently Flooded Areas – Lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see BIMC Chapter 15.16, Flood Damage Prevention.)

Functional Grating – A floor or decking material which is permeable.

Functions and values – The natural processes and beneficial roles performed or provided by critical areas including, but not limited to, water quality and quantity protection and enhancement, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, providing flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, protecting aesthetic value, and providing recreational and educational opportunities. These roles are not listed in order of priority.

Gabions – Structures composed of masses of rocks, rubble, or masonry held tightly together, usually by wire mesh, to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, or as foundations for breakwaters or jetties.

Geologically Hazardous Areas – Areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.

Geomorphology – The shape or form of a natural surface or object. Also, the study of the forms of the land surface and the processes producing them.

Geotechnical Engineer – Practicing geotechnical/civil engineer who has a valid Washington State engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in RCW Chapter 18.43.

Geotechnical report or geotechnical analysis – A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed

development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading – An activity associated with land modification or maintenance; grading means the physical movement or redistribution or the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale – A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Groins – This is a rigid, barrier-type structure extending on an angle waterward from the shore into the intertidal zone. Their purpose is to build or preserve an accretion shoreform or berg on their updrift side by trapping littoral drift to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. Groins are relatively narrow in width but vary greatly in length. Groins are sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.

Growth Management Act – RCW 36.70A, as amended

Guidelines – Those standards adopted by the Washington State Department of Ecology under WAC 173-26, intended to implement the policy of the Shoreline Management Act, RCW Chapter 90.58, for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards provide criteria for local governments and the Department of Ecology in developing and amending master programs.

Habitat – The place or type of site where a plant or animal naturally or normally lives and grows.

Habitat Function – The use and benefits of physical and biological factors to associated biological communities of organisms.

Habitat Management Plan (HMP) – A report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to maintain, enhance and improve terrestrial and/or aquatic habitat on a proposed development site.

Habitat of Local Importance – An area representing either high quality habitat for native terrestrial or aquatic species or habitat which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape and which is not adequately protected by other city, state or federal policies, laws, regulations, or non-regulatory tools that prevent degradation of the habitat or its associated species. These may include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors such as breeding areas or human-made ponds.

Harbor Area – The area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other

Harbor Structure Limit Line – A line defined in a harbor to demarcate the limits of overwater structures in aquatic areas and maintain navigation, as recommended by the Harbor Commission and approved by the City of Bainbridge Island City Council.

Hazard Tree – A tree that has significant structural defects that are likely to lead to failure and possibly cause injury or damage as identified in a report from an International Society of Arboriculture (ISA) Tree Risk Assessment Qualified (TRAQ) arborist ~~with structural defects likely to cause failure of all or part of the tree, which could strike a "target."~~ A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to the stability of the slope, as determined by a geotechnical engineer.

Hazardous Materials – Any substance containing such elements or compounds which, when discharged in any quantity in shorelines, present to imminent and/or substantial danger to public health or welfare; including but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.

Hazardous Substance – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless or quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

Hedge – A line of closely-spaced trees and/or shrubs intentionally planted and/or maintained along a property boundary or landscape border for privacy, screening, safety, or similar function, which typically requires ongoing pruning or shearing to maintain its intended function and/or reasonable use of nearby developed areas.

Height – The distance measured from the average grade level to the highest point of a structure. Television antennas, chimneys, and similar structures or appurtenances shall not be used in calculating height except where they obstruct the view of residences adjoining such shorelines. Temporary construction equipment is excluded in this calculation [WAC 173-27-030(9) or its successor]. For all over-water structures, height shall be measured from ordinary high water mark.

High Bluff – An area with slope greater than 40%; height greater than fifteen feet (15'), often unstable or with visible face sediment source often from backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Hook – A spit or narrow cape of sand or gravel which turns landward at its outer end.

HPA – Hydraulic Project Approval. The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Revised Code of Washington Chapter 75.20, or its successor.

Hydric Soils – Soils which are, saturated flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants [WAC 173-22-030(5) or its successor]. The presence of hydric soil shall be determined following methods identified by the Department of Ecology.

Hydrogeologist – A practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.

Hydrophytes – Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined flowing methods identified by the Department of Ecology.

Infeasible – Not feasible, see feasible

Impact – An action producing a significant causal effect of the whole or part of a given area.

Impoundment – The retention or trapping of sediment in a location, either by natural or structural means.

Industrial Development – Facilities for processing, manufacturing, fabrication or storage of goods or materials, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining, including on-site processing of raw materials, and off-site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

Industrial Use – Uses intended primarily to provide for heavy commercial water-dependent uses such as ship and boat building, haul out and repair and related uses serving boating needs.

In-kind Compensation – To replace wetlands, biota, or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

Inshore – The zone of the beach profile extending waterward from the foreshore to just beyond the breaker.

Intertidal – The substream area exposed at low tides and inundated at high tides, situated from the extreme low water of spring tides (mean lower-low water, MLLW) to the upper limit of spray or influence of ocean-driven salts (mean higher-high water, MHHW).

Invasive Species – 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health, or as amended by the United States Department of Agriculture National Invasive Species Information Center (NISIC). ~~A species that is (1) non-native (or alien) to the Puget Sound or the Central Puget Lowland region and (2) whose introduction causes or is likely to cause economic or environmental harm, or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive introductions.~~

Jetty – A structure that is generally perpendicular to shore extending through or past the intertidal zone. It is built at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. A jetty also serves to protect a channel from storm waves or cross currents, and stabilize inlets through barrier beaches. On the West Coast and in this region, most jetties are riprap mound construction.

Lagoon – A shallow body of water, such as a pond or a lake, isolated from Puget Sound by a barrier beach or other narrow body of land. Lagoons may or may not have a permanent tidal connection to the sea. See also Tidal Lagoon and Barrier Lagoon.

Land disturbing activity – Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

Land divisions – Any division of land subject to the city's subdivision design standards (BIMC Chapter 17.12).

Landfill – The placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) in upland areas, landward of OHWM, generally to raise the elevation.

Landslide – A general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

Landslide Hazard Areas – ~~Areas that, due to a combination of site conditions like slope inclination and relative soil permeability, are susceptible to mass wasting, as designated in Appendix B-1(28).~~ Areas

which are at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. Landslide hazard areas include the following:

a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001).

Landslide hazard area setback – An area contiguous to a landslide hazard area sufficient in depth to meet the development standards set forth in Section 4.1.5.10 as determined by a geological hazards assessment prepared in accordance with Section 4.1.5.14, Critical area reports.

Land Use – The development or activities that occur or are allowed to occur on a particular property.

Landward – In a direction toward shoreland areas.

Launch – see boat launch

Large Woody Debris (LWD) – Generally naturally occurring material that is recruited from during storms from downed trees in rivers, streams or other waters.

Levee – A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Limited Utility Extension – The extension of natural gas, electricity, telephone, water, or sewer service where all of the following are met: (1) the extension is categorically exempt under the Washington State Environmental Policy Act (SEPA) (See WAC 197-11-800 (24 or its successor) for the utility improvements which are categorically exempt under SEPA), (2) the extension will serve existing uses that are in compliance with the Shoreline Management Act, and (3) the project does not involve the construction of more than twenty-five hundred (2,500) linear feet of utility lines or pipes within shoreline jurisdiction.

Liquefaction – A process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.

Littoral – of or pertaining to the shore.

Littoral Cell – See Drift Cell.

Littoral Drift – The natural process of sediment movement, particularly sand and gravel along the shoreline in the nearshore zone by waves and currents (see also Drift Cell and Driftway).

Littoral Transport – see Longshore Transport

Live-aboard Vessel – A vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel, but which is principally used as an over-water residence. Principal use as an over-water residence means essentially full-time occupancy within the City's jurisdiction for a total of more than sixty (60) days, whether or not consecutive, in any calendar year.

Longshore Current – The littoral current in the breaker zone moving essentially parallel to the shore.

Longshore Transport – Transport of sedimentary material parallel to the shore.

Low Bank – An area with a slope often greater than fifteen percent (15%) and less than fourty percent (40%), height fifteen feet (15') or less, generally narrow beach with high water line at or on the bank. Bedrock terrace considered low bank if characterized by a sand and gravel beach; backed by low scarp. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Low Impact Development (LID) – A stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.
~~A stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Practices that adhere to these LID principles include bioretention facilities, rain gardens, vegetated rooftops, rainwater harvesting (rain barrels and cisterns), and permeable pavements.~~

Low impact development best management practices (LID BMPs) – Distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse.

Maintenance – See Normal Maintenance and Normal Repair.

Marina – A facility with the primary purpose of providing moorage for six (6) or more vessels, which consists of a system of piers, docks, buoys, or floats. Foreshore marinas are located landward of OHWM. There are two common types of backshore marinas, one with wet moorage

that is dredged out of the land to artificially create a basin, and the other, dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for water access. Open water marinas, including open water moorage and anchorage areas, are generally located in the center of a water body to provide moorage in addition to any marinas and docks along the edge of the water body.

Marine Bluffs – see Bluff, Marine

Marine Travel Lift – A mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

Marine Railway – A fixed set of rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Marine Riparian Zone – The transition zone between the nearshore and terrestrial ecotones. See also Riparian Vegetation.

Marshes, Bogs, and Swamps – Lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Such lands must have one or more of the following attributes: a) at least periodically, the land predominately supports hydrophytes, and/or 2) the substrate is predominantly undrained hydric soil. [WAC 173-22-030(10) or its successor]. See Hydrophyte, Hydric Soil.

Marsh/Lagoon – Protected embayment often fluvial sediment sources, substrate is composed of fines, diagnostic salt marsh vegetation, lagoons may empty completely at low tide (extensive tide flats) and may have a residual basin that holds water at low tide. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Mean Higher-High Water (MHHW) – The plane of the arithmetic mean of the higher of two (2) daily high tides calculated from the most recent 19-year tidal cycle.

Mean Low Water (MLW) – The plane of the arithmetic mean of all low tides calculated from the most recent 19-year tidal cycle.

Mean Lower-Low Water (MLLW) – The plane of arithmetic mean of the lower of two (2) daily low tides calculated from the most recent 19-year tidal cycle (datum plane 0.0).

Mean Sea Level – The average height of the surface of the sea for all stages of the tide over a 19–year period, usually determined from hourly height readings.

Midden – An ancient refuse heap. Often a source of archaeological material.

Mining – Removal and primary processing of naturally occurring materials from the earth for economic use. "Processing" includes screening, crushing, stockpiling – all of which utilize materials removed from the site where the processing activity is locate. Processing does not include the manufacture of molded or cast concrete, or asphalt products, asphalt mixing operations, or concrete batching operations.

Mitigation – Measures used to avoid, minimize or alleviate adverse impacts of development on ecological functions or ecosystem-wide processes. Mitigation must follow mitigation sequencing requirements of WAC 173-26-201(2)(e) and includes:

a. Avoiding, minimizing or compensating for adverse impacts, in the following order of preference:

   i. Avoiding the impact altogether by not taking a certain action or parts of an action.

   ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

   iii. Rectifying the impacts by repairing, rehabilitating or restoring the affected environment;

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

   v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

   vi. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual action may include a combination of the above measures; and

b. The following specific categories:

   i. Mitigation, compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

   ii. Mitigation, establishment: mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

   iii. Mitigation, re-establishment: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.

   iv. Mitigation, rehabilitation: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural of historic functions and processes to a degraded critical area.

   v. Mitigation, enhancement: the manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

Mitigation Sequence – Individual action that may include a combination of the following measures, listed in order of preference:

a. Avoiding the impact altogether by not taking a certain action or parts of actions;

b. Minimizing impacts by limiting the degree of magnitude of an action and its implementation;

c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating an impact over time by preservation and maintenance operations;

e. Compensating for an impact by replacing enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and compensation projects and taking appropriate corrective measures when necessary.

Mitigation Plan – A detailed plan indicating actions necessary to mitigate adverse impacts of development.

Monitoring – Evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of ecosystem functions and processes and/or assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to a baseline or pre-project conditions and/or reference sites.

Mooring Buoy – A floating object anchored to the bottom of a water body that provided tie-up capabilities for vessels.

Muds – Sediments in which the size of the particles is smaller than 0.0625mm.

Mudflat – Low, unvegetated mud substrate that is flooded at high tide and uncovered at low tide.

Multi-family Dwelling or Residence – A building containing two or more dwelling units or more than one dwelling unit on one lot, including, but not limited to, duplexes, apartments, and condominiums.

Natural Riparian Habitat Corridor – The waterside environment maintained in its natural state, primarily for fisheries and wildlife habitat, and water quality improvements, and, secondarily, for flood control works, while allowing controlled access to avoid damage to the resource.

Native Vegetation – Plant species typically found on an undeveloped marine shoreline that are indigenous to the Central Puget Lowland eco-region and suitable to the specific site conditions.

Native Vegetation Equivalent – Plant species that are equivalent in providing the same site-specific functional arrays as would a native species. Functional arrays may include forage, floodwater restraint, hiding habitat, or other physical or biologic roles in the ecosystem, that individually or in combination correspond to those of the native species. As with natives, the

role and mix of an alternative species may vary depending on the site and its surrounding ecosystem. Invasive/exotic species shall not be considered equivalent species.

Nearshore or Nearshore Zone – The area of marine and estuarine shoreline, generally extending from the top of the shoreline bank or bluff to the depth offshore where light penetrating the water falls below a level supporting plant growth, and upstream in estuaries to the head of the tidal influence. It includes bluffs, beaches, mudflats, kelp and eelgrass beds, salt marshes, gravel spits, and estuaries.

Not Net Loss – As a public policy goal, the maintenance of the aggregate total of the City's shoreline ecological functions at its current level of environmental resource productivity. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or ecosystem-wide processes. Each project shall be evaluated based on its ability to meet the no net loss standard commensurate with its scale and character.

Nonconforming Development – A shoreline use or structure which was lawfully constructed or established prior the effective date of the applicable Shoreline Management Act/SMP provision, and which no longer conforms to the applicable shoreline provisions [WAC 173-27-080(1), or its successor].

Nonconforming Lot. A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996), as amended, but now contains less than the required width, depth or area due to subsequent changes in the Program.

Nonconforming Structure. A nonconforming structure means an existing structure that was lawfully constructed prior to the effective date of this Program (November 26, 1996), as amended, but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the Program.

Nonconforming Use. A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996), as amended, but which does not conform to present use regulations due to subsequent changes to the Program.

Nonwater-oriented – Nonwater-oriented uses serve to describe those uses which have little or no relationship to the shoreline and are not water-dependent, water-related, or water-enjoyment, or considered priority uses under the Shoreline Management Act. Nonwater-oriented uses, means those uses that are not water-dependent, water-related, or water-enjoyment. Nonwater-oriented use examples include professional offices, automobile sales or repair shops, storage facilities, and automobile gas stations.

Normal Appurtenance – See Appurtenance.

Normal Maintenance – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. [WAC 173-27-040(2)(b), or its successor]. (See Normal Repair.) Normal maintenance does *not* include:

a. Use of fertilizer or pesticide application in wetlands, fish and wildlife habitat conservation areas, or their buffers;
b. Re-digging ditches in wetlands or their buffers to expand the depth or width beyond the original ditch dimensions;
c. Re-digging existing drainage ditches to drain wetlands on lands not classified as existing and ongoing agriculture under BIMC 16.20.040 (Exemptions).

Normal Repair – To restore a structure or development to a lawfully established state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice, or causes substantial adverse effects to the shoreline resource or environment. This does not include any activities that change the character, scope or size of the original structure or development beyond the original design. [WAC 173-27-040(2)(b), or its successor]. (See Normal Maintenance).

Normal Protective Bulkhead – See Bulkhead.

Obligate Vegetation – The sum total of macrophytic plant life that occurs in areas where the frequency (>99% of the time in wetlands) and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. USACE 1987 Wetland Delineation Manual.

OHWM, Ordinary High Water Mark – That mark that will be formed by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Washington State Department of Ecology, provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high water and the ordinary high water mark adjoining fresh water shall be the line of mean high water. [See RCW 90.58.030(2)(b), or its successor and WAC 173-22-030(6), or its successor].

Offshore – The area waterward of the breaker zone, extending in a direction waterward form the shore.

Oil/Water Separator – Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system.

Open Coastal Inlets - These describe inlets or estuaries whose size or configuration precludes significant wave action, but where the inlet itself is not significantly enclosed by a barrier or other restriction.

Open Space – See BIMC Title 18.

Open Water Moorage and Anchorage Area – A designated area of state-owned aquatic lands leased for the moorage and anchorage of vessels that does not abut uplands and does not include a built connection to the uplands. Open water moorage and anchorage areas are leased only by municipalities in accordance with WAC 332-30-139 and subject to the restrictions therein.

Outfall – A structure extending into a body of water for the purpose of discharging an effluent (sewage, storm runoff, cooling water).

Overwash - The flow of marine waters and associated sediment over the top of a barrier beach, usually when storms coincide with high tides. Leads to deposition of sediment in backshore areas and the gradual shifting of a barrier beach landward.

Overwater structures – Human-made structures that extend over all or part of the surface of a body of water, such as a pier.

Parking – The temporary storage of automobiles or other motorized vehicles.

Periodic – Occurring at regular intervals.

Person(s) – Includes organizations and corporations.

Pier – A platform structure or anchored device that is fixed above the water extending waterward from ordinary high water, and which is generally used as a landing or moorage place for industrial, commercial, and/or pleasure craft; including but not limited to ; wharves and quays.

Plant Community – Association of plants in a given area or region in which various species are more or less dependent upon each other.

Pocket Beach – An isolated beach, existing usually, without benefit of littoral drift from sources elsewhere. Pocket beaches are produced by erosion of immediately adjacent bluffs or banks and are relatively scarce and therefore valuable shoreforms on the Island; they are most common between rock headlands and may or may not have a backshore.

Pocket Estuary – Term used in the Puget Sound region to describe small estuaries and lagoons, partially isolated by their configuration from the main body of Puget Sound.

Point – A low profile shoreline Promontory of more or less triangular shape, the top of which extends waterward.

Primary Structure – A structure that includes the principal use of a property, or is intended to be occupied with the principal use of the property.

Priority Habitat – A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

a. Comparatively high fish or wildlife density;

b. Comparatively high fish or wildlife species diversity;

c. Fish spawning habitat;

d. Important wildlife habitat;

e. Important fish or wildlife range;

f. Important fish or wildlife movement corridor;

g. Rearing and foraging habitat;

h. Important marine mammal haul-out;

i. Refugia habitat;

j. Limited availability;

k. High vulnerability to habitat alteration;

l. Unique or dependent species; or

m. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows).

A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority Species –Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014, or its successor), threatened (WAC 232-12-011, or its successor), or sensitive (WAC 232-12-011, or its successor). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Pruning – The selective removal of plant parts to achieve defined objectives.

Pruning amount – The quantity of plant parts removed at one pruning, expressed in terms of a number of branches or other parts removed, and/or percentage of the crown or buds removed on an entire tree or specific branches.

Public Access – The public's right to get to and use the state's public waters, both saltwater and freshwater, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing platforms, decks or towers and other public sites or facilities.

Public Interest – The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to , an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

Puget Lowland, Central – The low area between the Olympic and Cascade Mountain ranges.

Puget Sound – All marine water contained south and east of Admiralty Inlet and Deception Pass.

Qualified Professional or Qualified Consultant – A person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must possess the required education and experience stipulated for that profession pursuant to this Program and/or BIMC 16.20.020 for the following:

a. Fisheries Biologist (BIMC 16.20.020(17);
b. Geotechnical Engineer (BIMC 16.20.020(21);
c. Hydrogeologist (BIMC 16.20.020(27);
d. Wetland Specialist (BIMC 16.20.020(56);
e. Wetland Biologist (BIMC 16.20.020(57);
f. Professional Archeologist (RCW 27.53.030(11), or successor)
g. Certified Arborist (BIMC 16.20)

RCW – Revised Code of Washington.

Ravine – A V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less that a 15 percent slope.

Recharge – The process involved in the absorption and addition of water from the unsaturated zone to ground water.

Recreation – An experience or activity in which an individual engages for personal enjoyment and satisfaction through forms of play, sports, relaxation, amusement or contemplation, Most shore-based recreation included outdoor recreation such as: fishing, hunting, clamming, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing or water or shorelines, nature study and related activities.

Recreational Development, Active – activities that generally require the use of constructed facilities such as playgrounds, athletic fields, boat ramps, and marinas, and/or the use of specialized equipment.

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

Recreational Fishing –Fishing for personal use as allowed by Personal Fishery Chapter 220-56 WAC.

a. Hand Line or Angling - shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning [WAC 220-56-100(17), or its successor].

b. Spear Fishing - means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device [WAC 220-56-100(29), or its successor].

c. Bow and Arrow Fishing - any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water [WAC 220-56-100(6), or its successor]

Redevelopment – On a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

Removal, vegetation – To eliminate the presence or hazard of unwanted vegetation.

Repair – See "Normal Repair"

Residential Development – Construction or alteration, earth modification, subdivision and use of land primarily for human residence; including but not limited to single-family residences and

multifamily dwellings, accessory uses, and structures normally associated with residential uses and structures. Residential development includes land divisions, including short plats, of residentially zoned land. It also includes all modifications to land and vegetation associated with construction, preparation, or maintenance or residential structures or accessory structures.

Restoration or Ecological Restoration – To revitalize, reestablish or upgrade ecological shoreline functions and/or natural processes of a degraded shoreline resource to a condition that sustains the ecological functions and process at a state of equilibrium.

This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials.

Retaining Wall – A built structure designed to retain an earth bank from sliding or to resist the lateral pressure of soil when there is a desired change in ground elevation.

Revetment – A sloping structure built to protect a scarp, embankment, or shore against erosion by waves or currents. Usually built of riprap, with heavy armor layer, one or more filter layers of smaller rock or filter cloth, and "toe" protection. A revetment slopes shoreward and has a rough or jagged facing. Its sloping face absorbs wave energy and differentiates it from a bulkhead, which is a vertical structure.

Riparian – Of, pertaining to, or situated or living on the banks of a river or other body of water, including tidewater.

Riparian Management Zone – The area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or fish and wildlife habitat. The zone include terrestrial habitat and riparian vegetation.

Riparian Vegetation – Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes banks, attenuates high water flows, provide wildlife habitat and travel corridors, and provide a source of limbs and other woody debris to terrestrial and aquatic ecosystems.

Riprap – A layer, facing, or protective mound of stones placed to prevent erosion, scouring, or sloughing of a structure or embankment.

Rock Weir – See Groin.

Runoff – Water that is not absorbed into the soil, but rather flows along the ground surface following the topography.

Salish Sea – Broadly defined as the confined water body inland from Cape Flattery, including Puget Sound, the Strait of Juan de Fuca and the Strait of Georgia.

Salmon and Steelhead Habitats – Gravel bottom streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, cover and refuge from predators and high water; streams creeks, rivers, estuaries, and shallow areas of

saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Salt Tolerant Vegetation – Vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand. [WAC 173-22, or its successor].

Seawall – Structure separating land and water areas primarily to prevent erosion and other damage by wave action. Generally more massive and capable of resisting greater wave forces than a bulkhead or revetment.

Sediment – The material, such as sand, silt, or clay, suspended in or settled on the bottom of a water body, generally deposited by erosion, water or wind.

Sediment Transport – The movement of sediment along a current pathway.

Seismic Hazard Areas – Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

a. Seismic Landslide Hazard Areas. Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

b. Liquefaction Hazard Areas. Areas of non-cohesive, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking; or

c. Fault Hazard Areas. Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including fifty feet (50') on either side.

Sensitive Areas – See Critical Areas

Sensitive Land – See Critical Areas

Setback – The required space that is left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that are required to remain unobstructed from the ground to the sky except for modification to setbacks and height specifically allowed by code.

Shall – A mandate; the action that must be done.

Shared Moorage – Moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision or community within shoreline jurisdiction or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides commercial services of six or more slips, it shall be considered a marina.

Shellfish – Invertebrates of the phyla Arthropoda (class Crustacea), Mollusca (class Pelecypoda) and Echinodermata.

Shellfish Habitat Conservation Area – All public and private tidelands suitable for shellfish, as identified by the Washington Department of Health classification of commercial growing areas, and those recreational harvest areas as identified by the Washington Department of Ecology are designated as Shellfish Habitat Conservation Protection District created under RCW 90.72 is also a Shellfish Habitat Conservation Area.

Shoreland Areas – Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands, including river deltas associated with streams, rivers and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shorelands – See "Shoreland areas."

Shoreline Armoring – Structural protection from erosion caused by tidal action, current or waves, including but not limited to, revetments, bulkheads, sea walls, gabions.

Shoreline Designation – The categories of shorelines established by the Shoreline Master Programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-040(4), or its successor].

Shoreline Jurisdiction (Associated Wetlands [Jurisdictional]) – The proper term describing all of the geographic areas covered by the Shoreline Management Act, related rules, and the applicable master program. Those lands extending landward for two hundred feet (200') in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all marshes, bogs, swamps and deltas associated with the streams, lakes, and tidal waters subject to the Shoreline Management Act. See RCW 90.58.030(2)(f), or its successor; WAC 173-16-030(17), or its successor; and WAC 173-22-030(10), or its successor. Also, such areas within a specified local government's authority. See definitions of shorelines, shorelands, shorelines of the state, and Shorelines of State-wide Significance, and wetlands, jurisdictional.

Shoreline Management Act – The Shoreline Management Act of 1971, RCW Chapter 90.58, as amended.

Shoreline Master Program or Master Program – The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modifications – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike,

breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit – A substantial Development, Conditional Use, Revision, Variance, or any combination thereof [WAC 173-27-030(13), or its successor].

Shoreline Stabilization and Flood Protection – Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion impacts to property and dwellings, businesses, or structures of upland beaches or reduce adverse impacts caused by natural processes, such as current, flood, tides, wake, wind, or wave action. These are generally located parallel to the shoreline at or near the OHWM. Examples of specific structural and nonstructural shoreline modification activities include revetments, riprap, bulkheads, and bank stabilization.

Shoreline Stabilization, Bioengineered – Biostructural and biotechnical alternatives to hardened structures (bulkheads, walls) for protecting slopes or other erosive features including soft – treatment techniques. Bioengineered stabilization uses Vegetation Reinforced Soil Slopes (VRSS), which uses vegetation arranged embedded in the ground to prevent shallow mass-movements and surficial erosion.

Shoreline Stabilization, Hard structure – Shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion.

Shoreline Stabilization, Hybrid structure – An approach to erosion control that combines soft-treatment shoreline treatment placed waterward of more conventional structural shoreline stabilization elements. The soft treatment preserves natural beach contours and mimics habitat structure in order to preserve ecological functions. The hard structure provides long-term stability to the upland site, but is located sufficiently landward of the OHWM as not to impair ecological processes.

Shoreline Stabilization, New – Placement of shoreline stabilization where no such structure previously existed, including additions to or increases in size of existing shoreline stabilization measures are considered new structures.

Shoreline Stabilization, Non-structural – This is a soft treatment which does not use driftwood, logs, geotextile fabric, or other organic or non-organic structural materials. Examples include:

a. Addressing upland drainage issues;

b. Planting stabilization vegetation without fill, grading, or use of non-biodegradable geotextile fabric, gabions other stabilizing structures to provide temporary erosion control;

Shoreline Stabilization, Replacement – The construction of a new structure to perform a shoreline stabilization function of an existing legally-established shoreline stabilization structure which can no longer adequately serve its purpose.

Shoreline Stabilization, Soft-treatment – Shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment. This technique mimics natural conditions for ecological functions and ecosystem-

wide processes. When used organic/biodegradable structural components are to be place to avoid significant disruption of sediment recruitment, transportation, and accretion. Examples include:

a. Bioengineered Shoreline Stabilization;

b. Beach Nourishment/Replenishment;

c. Vegetated Soil Stabilization Retention Methods;

d. Driftwood;

e. Coir fiber logs or other natural materials;

f. Nonstructural Shoreline Stabilization.

g. Beach Berm.

Shoreline Stabilization, Structural – Shoreline stabilization which includes a footing, foundation, or anchors. Materials are typically hardened structures which armoring the shoreline. See also Shoreline Stabilization, Hard structure and Shoreline Stabilization, Hybrid structure.

Shoreline Substantial Development Permit – A mechanism through which the City determines whether a proposed development or activity complies with the State of Washington Shoreline Management Act (RCW Chapter 90.58,or its successor) and the Master Program.

Shorelines – All of the water areas of the state, including reservoirs and their associated wetlands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d) or its successor and shorelines of state-wide significance.

Shorelines Hearings Board (SHB) – A quasi-judicial body which hears appeals by any aggrieved party on the issuance of a shoreline permit and appeals by local government on Washington State Department of Ecology approval of master programs, rules, regulations, guidelines, or designations under the Shoreline Management Act. [RCW 90.58.170, or its successor; RCW 90.58.180, or its successor; and WAC 173-04-01, or its successor].

Shorelines of State-wide Significance – A select category of shorelines of the state, defined in RCW 90.58.030(2)(e) or its successor, where special preservation policies apply and where greater planning authority is granted by the Shoreline Management Act [RCW 90.58.020 or its successor]. Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of state-wide significance [RCW 90.58.030(1)(e)(iii) or its successor].

Shorelines of the State – Shorelines and shorelines of state-wide significance.

Shoreward – See landward

Should – A particular action is required unless there is demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.

Shrub – A woody perennial plant, usually with several stems that may be erect or close to the ground, generally smaller than a tree.

Sign – Any letter, figure, design, symbol, trademark or other device which is intended to attract attention to any activity, service, place, political office, subject, firm, corporation or merchandise, except traffic signs or signals, public or court notices, signs not visible from the public right-of-way or adjacent properties, signs on moving vehicles, newspapers, leaflets or other printed materials intended for individual use or individual distribution to members of the public, government flags, flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.

Significant Removal of Vegetation – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. The approved removal of trees determined to be hazardous does not apply. Tree pruning, not including tree topping, where it does not affect ecological functions, does not contribute significant vegetation removal in the Washington State Shoreline Master Program Guidelines, Chapter 173-26 WAC 99 of 100.

Single-family Residence (SFR) – A detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are normal appurtenance [WAC 173-27-040(2)(g), or its successor].

Site – The entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.

Soil Bioengineering – An applied science that combines structure, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation, and flooding using live plant materials as a main structural component.

Solid Waste Disposal – Discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste, including hazardous waste, on land or in the water.

Solid Waste – Solid and semi – solid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes, and sortyard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances, and other discarded commodities. Solid waste does not include wastewater, dredge material, agricultural, or other commercial logging wastes not specifically listed above. See landfill and dredging material.

Species of local importance – Those species that are of local concern due to their population status or their sensitivity to habitat alteration.

Spit – An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berg on the windward side and more gently sloping, muddy, or marshy shore on the leeward side. A curved spit is normally called a hook.

Spit/Barrier/Backshore – An area with a wide beach face and slope of less than fifteen percent (15%), distinguishable backshore. This term is used to identify geomorphic classes for the 2004 Nearshore Assessment completed by Battelle for the City.

Spur Dock – See Groin.

SSDP – Shoreline Substantial Development Permit.

Starvation – See Impoundment

Statement of Exemption or Letter of Exemption – A written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program including the policy of the Act [RCW 90.58.020, or its successor].

Steep Slope – A forty percent (40%) or greater slope. See also Landslide Hazard

Storm Surge – A rise above normal water level on the open coast due to the action of wind forces on the water surface or to atmospheric pressure reduction.

Stormwater Management – The control of stormwater drainage through a systematic design that performs a particular function, or multiple functions, and includes but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement.

Streams – Those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction.

Stream Types – A stream classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.

a. "Type F Stream" means a stream that has fish habitat. Waters having the following characteristics are presumed to meet the physical criteria for fish use: Stream segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Also, stream segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size based on hydrographic boundaries.

b. "Type Np" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

c. "Type Ns" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.

Structure – A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. [WAC 173-27-030(15) or its successor].

Subdivision – The division or redivision of land, including short subdivisions, for the purpose of sale, lease, or conveyance.

Substantial Development – Any development of which the total cost or fair market value exceeds the amount specified in WAC 173-26-040(2)(a); or any development which materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3)(e), or its successor, and WAC 173-27-040, or its successor. See definitions for Development and Exemption.

Substantial Progress – Substantial progress toward completion of a permitted activity includes all of the following, where applicable: the making of contracts, signing of notice to proceed, completion of grading and excavation and the laying of major utilities; or, where no construction is involved, commencement of the activity [WAC 173-27-090, or its successor].

Subtidal – The area of the marine environment below extreme low tide.

Sub-estuary – See Pocket Estuary

Sustainable Development – Development which maintains a balance between the health of the natural environment and the needs of the human community which lives within it.

Surface Water – Water that travels across the surface of the ground, rather than infiltrating.

Swell – Wind-generated waves that have traveled out of their generating area. Swell characteristically exhibits a more regular and longer period and has flatter crests than waves with their fetch.

Terrestrial – Of or relating to land as distinct from air or water.

Tidal Inlet – A shore feature subject to the daily influence of the tides, whose mouth is narrower than its length. The inlet is considered to be all lands and waters seaward of the ordinary high water mark, and extending to its mouth. Within tidal inlets, specific areas that constitute critical habitat are designated for special protection under the Master Program.

Tidal Flats – Marshy or muddy areas of the seabed which are covered and uncovered by the rise and fall of tidal water.

Tidal Lagoon – A body of saline water (salinity greater than 0.5 parts per thousand) with a constricted or subsurface outlet that is subject to the periodic, but not necessarily daily, exchange of water with Puget Sound or a tidal inlet. The exchange may occur seasonally, during storms, or during the highest spring tides. The connection between the sea and the lagoon does not necessarily have to be on the surface; the connection can be subsurface through permeable gravel and sand berms.

Tidal Range – The difference in height between consecutive high and low water.

Tidal Water – Includes marine and estuarine water bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream [WAC 173-22-030(9), or its successor].

Tidelands – Land on the shore of marine water bodies between the line of ordinary high water and the line of extreme low tide.

Toxic Material – Any material damaging to marine life including, but not limited to, paints, varnishes, anti-fouling agents, bleaches, petroleum, and contaminated bilge waste water.

Transient Moorage – Moorage for a stay of less than two (2) weeks.

Transportation Facilities – Those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports, and other related facilities.

Tree – A woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches diameter, and ten (10) or more feet in height.

Unavoidable – Adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

Updrift – In the direction opposite of dominant alongshore sediment transport.

Upland – Generally described as the area above and landward of the OHWM.

Upland Finfish Rearing Facilities – Those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities.

Utilities, Accessory – Small scale distribution systems directly serving a permitted shoreline use. These include power, telephone, cable, water, sewer, septic, and stormwater lines.

Utilities, Primary – Facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or

transfer facilities, radio, wireless telephone and microwave tower, and gas distribution and storage facilities.

Variance – A means to grant relief from the specific bulk, dimensional, or performance standards specified in the applicable Master Program. Variance permits must be specifically approved, approved with conditions, or denied by the Washington State Department of Ecology. (See WAC 173-14-150, or its successor).

Vascular Plant – Any plant that has a specialized conducting system consisting mostly of phloem (food-conducting tissue) and xylem (water-conducting tissue), collectively called vascular tissue. These plants have true stems, leaves, and roots, modifications of which enable species of vascular plants to survive in a variety of habitats under diverse, even extreme, environmental conditions.

Vegetative Stabilization – Planting of vegetation to retain soil and retard erosion, reduce wave action, and retain bottom material, It also means utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

Vessel – A floating structure that is designed primarily for transportation, is normally capable of self propulsion and navigation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency, and does not interfere with normal public use of the water. [WAC 173-27-030(18), or its successor].

View Corridor – An area free of buildings and other view-blocking structures which provides visual access to water and/or the shoreline.

WAC – Washington Administrative Code.

Water-dependent Use – A use or a portion of a use which cannot exist in a location that is not adjacent to the water which is dependent on the water by reason or the intrinsic nature of its operation. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment Use – A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as general characteristic of the use and which through the location, design, and operation ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include, but not limited to, restaurants, museums, aquariums, educational/scientific reserves, resorts, and mixed use commercial, provided that such uses conform to the above water-enjoyment specifications and the provisions of the Master Program.

Water-oriented Use – Refers to any combination of water-dependent, water-related and/or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Shoreline Management Act.

Waterward – To, toward, or continuing into the water body.

Water Quality – The physical characteristics of water within shoreline jurisdiction, including water quality, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.3.250 through 90.03.340.

Water-related – A use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:

a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

b. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples include: (1) manufacturers of ship parts large enough that transportation becomes a significant factor in the product(s) cost, (2) professional services serving primarily water-dependent activities, and (3) storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

Wave Direction – The direction from which waves approach an observer.

WDFW – Washington State Department of Fish and Wildlife.

Washington State Department of Ecology – See Ecology.

Weir – A structure in a stream or river for measuring or regulating stream flow.

Wetlands – Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, estuaries, marshes, bogs, ponds less than twenty acres, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, stormwater facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those legally established artificial wetlands intentionally created from non-wetland areas to mitigated the

conversion of wetlands.~~Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas, including associated wetlands. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands that were created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. [WAC 173-22-030(10) and (11), or their successors]~~

Wetland boundary – The boundary or outer edge of a wetland as delineated in accordance with the federal wetland delineation manual and applicable regional supplements (as updated), as required by WAC 173-22-035.

Wetland category – Category as defined in Washington State Wetland Rating System for Western Washington – 2014 Update (Ecology Publication No. 14-06-029, October 2014), or as revised and adopted by the department.

Wetlands specialist – A person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. "Substantially correct" means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:

a. Either:
   i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;
   ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and
b. The prior successful completion of at least three wetland reports.

~~**Wetlands, Jurisdictional** – See "shoreland areas."~~

Wildlife biologist – A person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

a. Either:
   i. Certification as a professional wildlife biologist through The Wildlife Society, or;
   ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and
b. The prior successful completion of at least three habitat managements plans.

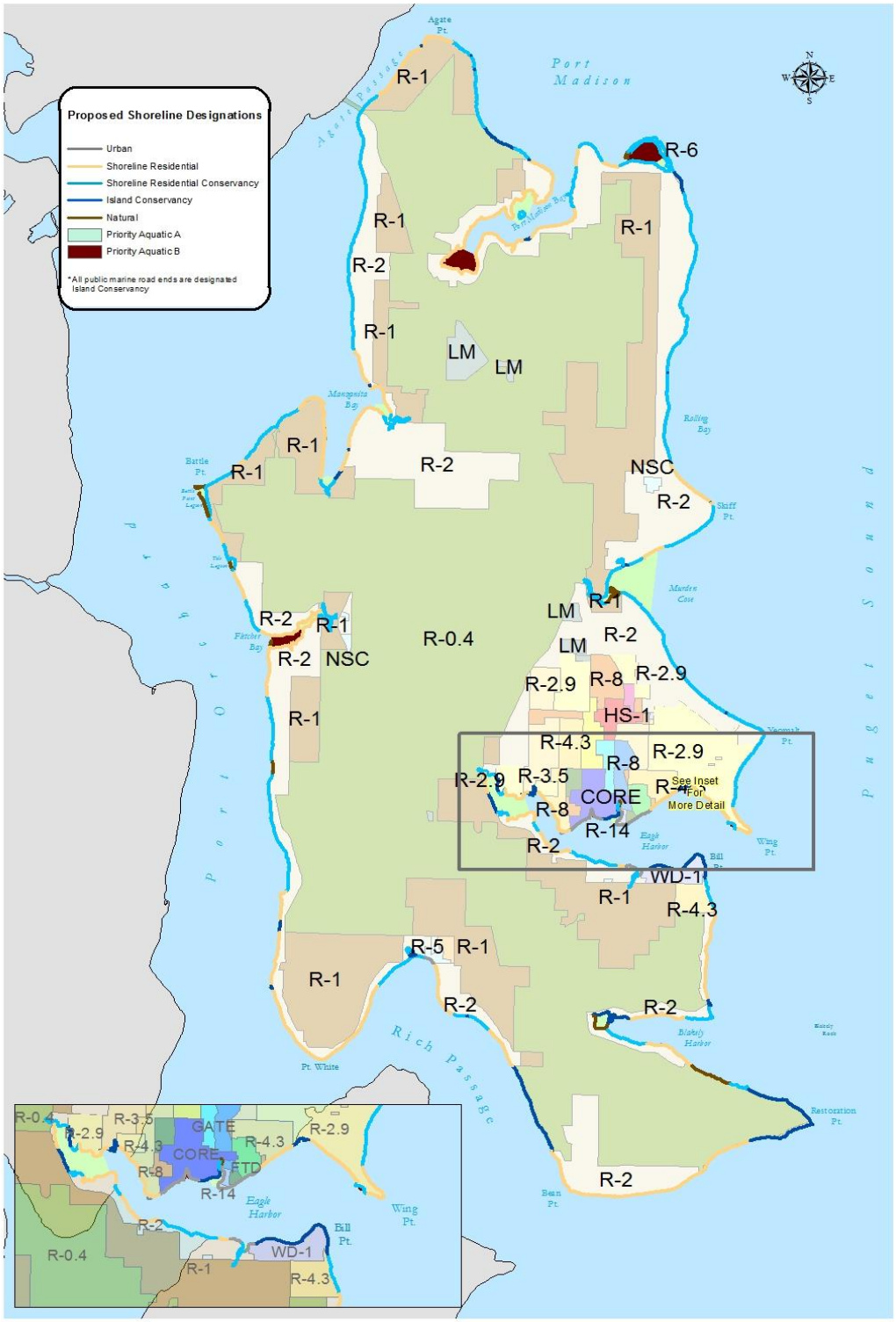
Wildlife habitat – A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.

Zone of Impact –The area of the subject property where the incident wave energy is distributed, in relation to the primary structure and primary appurtenances and the angle of the incident wave.

Zone of Influence – The zone of influence means an area usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than forty percent (40%), and two hundred feet (200') upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

Zoning – To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Appendix A



Shoreline Designation Map

Appendix B

Reserved

~~Critical Areas~~

~~B-1. Definitions~~

~~For the purposes of this subsection, the following definitions shall apply:~~

1. ~~"Aquifer recharge area" means the surface area of any geological formation sufficiently pervious to provide fresh water to an aquifer through the process of infiltration and percolation.~~
2. ~~"Base flood" means a general and temporary condition of partial or complete inundation of normally dry land areas having a one percent chance of being equaled or exceeded in any given year. Base flood elevation data is commonly displayed as an elevation line on flood insurance maps, showing the location of the expected whole-foot water-surface elevation of the base (100-year) flood.~~
3. ~~"Best management practices" (BMPs) means conservation practices or systems of practices and management measures that:~~
   a. ~~Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and~~
   b. ~~Minimize adverse impacts to surface water and groundwater flow, and to the chemical, physical, and biological characteristics of critical areas.~~

   ~~BMPs are defined by the United States Department of Agriculture, the State of Washington Department of Agriculture, the Washington State Department of Ecology, Washington State Department of Health, Kitsap Conservation District, and other professional organizations.~~
4. ~~"Buffer" means an area adjoining to and a part of a critical area that is required for the continued maintenance, functioning, and/or structural stability of that critical area, or an area adjacent to a stream or wetland that (a) surrounds and protects the functions and values of the stream or wetland from adverse impacts, (b) is an integral part of a stream or wetland ecosystem, and (c) provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife, and protection from harmful intrusion, to protect the public from losses suffered when the functions and values of the wetland or stream are degraded.~~
5. ~~"Category I, II, III, IV wetlands": see "Wetland category".~~

6. ~~"Critical areas" means aquifer recharge areas, fish and wildlife habitatconservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.~~
7. ~~"Critical habitat" means a habitat identified by US Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.~~
8. ~~"Educational or scientific activities" means controlled and/or supervised scientific activities or educational activities that are associated with an educational program that is approved through a conditional use permit.~~
9. ~~"Engineering geologist" means a practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in~~

landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

10. "Erosion hazard area" means a landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, and which are:
    a. Rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion, including:
        i. Indianola-Kitsap Complex, 45 to 70 percent slope;
        ii. Kitsap Silt Loam, 15 to 30 percent slope, 30 to 45 percent slope;
        iii. Ragnar Fine Sandy Loam, 15 to 30 percent slope; and
        iv. Schneider very gravelly loam, 45 to 70 percent slope;
    b. Classified in the Department of Ecology Coast Zone Atlas as:
        i. Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
        ii. Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
        iii. Class 5, class URS (unstable recent slides); and
    c. Identified by the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001) as rilled slopes/scarps.
11. "Existing development" means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter.
12. "Fish" means species of the vertebrate taxonomic groups Cephalospidomorphi and Osteichthyes.
13. "Fish and wildlife habitat" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.
14. "Fisheries biologist" means a person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. "Substantially correct" means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:
    a. Either:
    i. Certification by the American Fisheries Society, or;
    ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and
    b. The prior successful completion of at least three habitat management plans; and
    c. The biologist is listed on a roster of qualified professionals prepared by the Director.
15. "Frequently flooded areas" means lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see Chapter 15.16 BIMC, Flood Damage Prevention.)

16. "Functions" means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.
17. "Geologically hazardous areas" means areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.
18. "Geotechnical engineer" means a practicing geotechnical/civil engineer who has a valid Washington engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in Chapter 18.43 RCW.
19. "Habitat Management Plan" (HMP) means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to enhance and improve habitat conservation on a proposed development site.
20. "Habitat of local importance" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain their population and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs and wetlands.
21. "Hazard tree" means a tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target." A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to stability of the slope, as determined by a geotechnical engineer.
22. "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as specified in RCW 70.105.010. (Also see BIMC 18.06.450 through 18.06.510).
23. "Hydric soil" means soil which is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
24. "Hydrogeologist" means a practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.
25. "Hydrophyte or hydrophytic vegetation" means plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the "Within the Federal delineation manual and Regional supplement or its successor.

26. "Impact of land use" means the relative measure of the intensity of land use used to determine the appropriate buffer widths for wetlands and streams which is categorized as follows:
    a. High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields.
    b. Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads.
    c. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.
27. "Invasive/exotic species" means plants and animals that are not native to the Puget Sound lowlands and are recognized by wetland professionals or biologists to be highly competitive with native vegetation and animals. Invasive/exotic plant species include those listed on the noxious weed list developed by the Washington State Noxious Weed Board, nonnative blackberries and English ivy. Invasive/exotic animal species include any species, such as rats, bullfrogs, zebra mussels and green crabs, considered by resource professionals to be damaging to the native animal populations.
28. "Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic, and hydrologic features. Some of these areas are identified in the Department of Ecology Coastal Zone Atlas and USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001). The presence of these factors shall be determined through assessment, by the least intrusive means, by the City Engineer or at the City Engineer's request by a third party geoengineer or geotechnical expert, prior to issuance of any permit. Landslide hazard areas include the following:
    a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
    b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
    c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
    d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
    e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001); or
29. "Liquefaction" means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.
30. "Mitigation categories" means
a. The following specific categories: (need for mitigation ratios)

i. Mitigation, Compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

ii. Mitigation, Establishment: Mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

iii. Mitigation, Re-Establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.

iv. Mitigation, Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes to a degraded critical area.

v. Mitigation, Enhancement: The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

31. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not include:

a. Use of fertilizer or pesticide application in wetlands, Fish and Wildlife Habitat Conservation Areas, or their buffers;

b. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;

c. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section B-2(C) (Exemptions).

32. "Open space" means undeveloped areas of varied size. Open space often contains distinctive geologic, botanic, zoologic, historic, scenic or other critical area, or natural resource land features.

33. "Ravine" means a V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less that a 15 percent slope.

34. "Reasonable alternative" means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

35. "Repair" means activities that restore the character, size, or scope of a project only to the previously authorized condition.

36. "Seismic hazard areas" means areas subject to severe risk of damage as a result of seismic induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

a. Seismic Landslide Hazard Areas - Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

b. Liquefaction Hazard Areas - Areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking, or;

c. Fault Hazard Areas - Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including 50 feet on either side.

37. "Site" means the entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.

38. "Streams" means those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction of the water course.

39. "Stream Types" means a streams classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.

a. "Type F Stream" means a stream that has suitable fish habitat. If fish usage has not been determined, water having the following characteristics are presumed to have fish use: Streams segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Determination of fish usage shall use the methodology found in Washington Department of Natural Resource's Forest Practice Board Manual, Section 13.

b. "Type Np" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

c. "Type Ns" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.

40. "Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm

ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as result of the construction of a road, street, or highway. Wetland may include those artificial wetland intentionally created from nonwetland areas to mitigate the conversion of wetlands.

41. "Wetland boundary" means the boundary or edge of a wetland as delineated using the methodology found in Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0). (Per WAC173-22-035, or its sucessor.)
42. "Wetland category" means category as defined in "Washington State Wetland Rating System for Western Washington, Revised," Department of Ecology publication #04-06-025, or as revised and adopted by the department.
43. "Wetland classes" means the classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).
44. Wetland Mitigation.
    a. In-kind: To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."
    b. Off-site: To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.
    c. On-site: To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.
    d. Out-of-kind: To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."
45. Wetlands, Regulated.
    a. "Regulated wetlands" means:
        i. All Category I and II wetlands;
        ii. All Category III and Category IV wetlands
    b. Category I, II, III and IV wetlands include:
        i. Lands defined as wetlands shall be those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
        ii. Wetlands created as mitigation and wetlands modified for approved land use activities.
    c. Regulated wetlands do not include artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway.
46. "Wetlands specialist" means a person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. "Substantially correct"

means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:

a. Either:

i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;

ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three wetland reports; and

c. The specialist is listed on a roster of qualified professionals prepared by the Director.

47. "Wildlife biologist" means a person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

a. Either:

i. Certification as a professional wildlife biologist through The Wildlife Society, or;

ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three habitat managements plans; and

c. The biologist is listed on a roster of qualified professionals prepared by the Director.

46. "Zone of Influence" means an area, usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than 40 percent, and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

B-2. Applicability, exemptions, and prior development activity.

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

B. Inventory of Critical Areas. This appendix shall apply to all critical areas located within the shoreline jurisdiction of the city. The approximate location and extent of these areas on Bainbridge Island is displayed on various inventory maps available at the city's Department of Planning and Community Development. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist on Bainbridge Island and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.

C. Exemptions. The following activities are exempt from the requirements of this chapter

1. Emergencies that threaten the public health, safety and welfare. An "emergency" is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this chapter, further definition of "emergency" is in Section 8.0 of the Shoreline Master Program. Restoration

~~or mitigation of critical areas and buffers impacted by emergency action shall be required in a timely matter.~~

~~2. Normal and routine maintenance of structures, landscaping and vegetation that will not further impact or alter critical areas or buffers.~~

~~3. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, and fish ponds; provided, that such activities shall not involve conversion of any wetland not currently being used for such activity. Any maintenance of ponds located in stream habitat areas shall require appropriate approval from the Washington Department of Fish and Wildlife.~~

~~4. Structural alterations to buildings that do not increase the structural footprint or introduce new adverse impacts to an adjacent critical area, except for structures located on geologically hazardous areas which are not exempt.~~

~~5. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation.~~

~~6. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).~~

~~7. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The Director shall review the proposal to determine the likelihood of associated impacts.~~

~~8. Hazard Tree Removal. Where a threat to human life, property, or slope stability is demonstrated, the Director may allow removal of danger or hazard trees subject to the following criteria:~~

~~a. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and~~

~~b. The critical area or its buffer shall be replanted as determined by the Director. The Director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Hazard tree abatement can sometimes be achieved by felling the tree or trimming the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.~~

~~9. Aquifer recharge areas. A person, or property, shall be exempt from the provisions of this chapter unless either of the following is true:~~

~~a. The property is located in a fish and wildlife habitat conservation area, frequently flooded area, geologically hazardous area, and/or wetland; or~~

~~b. One of more of the uses identified in Section B-E are proposed.~~

~~D. Standards for existing development.~~

~~1. Existing structures and related improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2012-4 that do not meet the setback or buffer requirements of this appendix may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section and will result in no net loss of ecological function.~~

2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2012-4

may be altered if:

a. There is no change in the footprint of the building;

b. The remodel is entirely inside the existing building;

c. There is no further encroachment into the buffers required pursuant to this chapter unless a Variance is first approved

3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2012-4 may be altered if:

a. There is no change in the location of the improvement;

b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;

c. There is no further encroachment into the buffers unless a Variance is first approved.

4. Alterations permitted by this Section shall not be exempt from applicable City review or permit requirements or other applicable City codes.

B 3. Prescriptive buffers variations.

A. Intent. The City recognizes that in some cases it may not be possible to provide a critical area buffer that meets the dimensions prescribed by this ordinance, due to land area or other constraints. The City further recognizes that in some cases the desired or better critical area protection can be achieved through alternative approaches.

This section provides alternatives that can be pursued in lieu of the prescribed buffers when warranted by site-specific conditions. In considering an application for any of these alternatives, it shall always be the primary intent of the City to protect the functions and values of the critical areas. It is further the intent of the City to ensure that the application of the provisions of this chapter does not deprive an owner from reasonable use of their property.

Any proposed use of the following alternatives shall be supported by analysis utilizing appropriate science, to determine and minimize the impacts of the alternative:

B. Buffer Averaging. If characteristics of the property do not allow reasonable use with prescribed buffers, the Director may allow wetland and/or fish and wildlife conservation area buffer widths to be averaged. It is intended that the process for reviewing a buffer averaging proposal be as simple as possible, while ensuring that the following criteria are met:

1. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging;

2. The applicant demonstrates that such averaging will clearly provide greater protection of the functions and values of critical areas than would be provided by the prescribed habitat buffers.

3. The averaging will not result in reduced buffers next to highly sensitive habitat areas; and

4. The applicant demonstrates one or more of the following:

a. That the wetland contains variations in sensitivity due to existing physical characteristics;

b. That only low intensity uses would be located within 200 feet of areas where the buffer width is reduced, and that such low intensity uses restrictions are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; or

c. That buffer averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

C. Habitat Management Plan. A Habitat Management Plan may be prepared pursuant to subsection B-4 when it can clearly be demonstrated that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. A Habitat Management Plan may be used as a means to protect wetland and/or fish and wildlife habitat conservation area buffers. Habitat Management Plans may not be used to reduce the water quality buffers for wetlands and/or fish and wildlife habitat conservation areas.

D. Public notice. Appropriate notice of, and opportunity to comment on, the proposed use of any of the foregoing alternatives shall be given to surrounding property owners and the general public, in a manner to be established by the Director.

B-4. Habitat management plan.

A. General. A Habitat Management Plan shall comply with the requirements of this Section, and shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. The Director shall prepare performance standards and monitoring guidelines for Habitat Management Plans, including a program for City oversight of such plans. Once the standards and guidelines are in place, an applicant may propose to implement an HMP as a means to protect habitat buffers associated with wetlands and/or fish and wildlife conservation areas.

B. Intent. HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this Section. An HMP shall not reduce the prescribed water quality buffer width as listed in B-8 and B-10 under any circumstance.

C. Effect of buffers. An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

D. Impact mitigation - general. The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, and/or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. For Habitat Management Plans addressing wetland buffers, Method for Assessing Wetland Functions, Ecology Publication #99-116 shall be used for guidance in determining function equivalency. All Habitat Management Plans shall be reviewed by a qualified third party selected by the City. The applicant will be responsible for the cost of the review.

F. Map. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:

1. The location of the proposed development site;

2. Property boundaries;

3. The relationship of the site to surrounding topographic, water features, and cultural features;

4. Proposed building locations and arrangements;

5. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision.

G. Report. The Habitat Management Plan shall also contain a report which contains:

1. A description of the nature and intensity of the proposed development;

2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection. If the Habitat Management Plan is addressing wetland habitat, the analysis shall compare an assessment of wildlife habitat suitability of the wetland applying standard buffers with an assessment of habitat suitability as proposed using Method for Assessing Wetland Functions, Washington State Department of Ecology (if available for the specific Hydrogeomorphic classification); and

3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. For wetland or other habitats protected by this chapter, the application shall show, using the appropriate function assessment methodology, that habitat functions and values are greater after the development than would occur had the prescribed buffers been provided (see Mitigation Plan requirements, Section 16.20.110).

4. All review comments received from outside reviewers. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP.

5. The HMP shall specifically address, as appropriate, the following:

a. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native or equivalent vegetation;

b. The use of alternative on-site wastewater systems in order to minimize site clearing;

c. Infiltration of stormwater where soils permit;

d. Retention of existing native or equivalent vegetation on other portions of the site in order to offset habitat loss from buffer reduction; and

e. The need for fencing and signage along the buffer edge.

H. Mitigation measures. Possible mitigation measures to be included in the report, or required by the Director, could include, but are not limited to:

1. Establishment of buffer zones;

2. Preservation of critically important plants and trees;

3. Limitation of access to habitat areas;

4. Seasonal restriction of construction activities;

5. Establishing phased development requirements; and

6. Monitoring plan for a period necessary to establish that performance standards have been meet. Generally this will be for a period of seven to ten years.

I. HMP adequacy. The HMP shall demonstrate to the satisfaction of the Director that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the Director and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife for HMPs relating to streams or the Washington Department of Ecology for HMPs relating to wetlands. If the State agencies are not available in a timely manner, the applicant may choose to have the City refer the HMPs to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the Director shall make a final decision on the adequacy of the HMP.

J. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the City grants either final plat approval or an occupancy permit, as applicable.

K. Performance Surety. The Director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section B-4.

B-5. Application requirements.

A. Submittal Requirements. In addition to the general submittal requirements for all applications in the Administration Handbook applications for land use or development proposals within critical areas or their buffers shall be filed with the information requested on the application forms available from the Department of Planning and Community Development. The applicant shall not be granted any approval or permission to conduct development or land use in a critical area and/or its buffer prior to fulfilling the requirements of this chapter.

B. Support Information Requirements. When support information is required by the Director it shall contain the following and be prepared by one or more of the experts listed in Subsection B.4 of this section:

1. A description of the critical areas on or adjoining the site and how the proposed development will or will not impact critical areas, their buffers, and adjoining properties, including:

a. Drainage, surface and subsurface hydrology, and water quality;

b. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and fish and wildlife habitat value; and

c. Other critical area characteristics and functions.

2. Recommended methods for mitigating impacts and a description of how these methods may impact adjacent properties;

3. Any additional information determined as relevant by the Director;

4. Such studies shall be prepared by experts in the area of concern, who shall be selected from a list of approved consultants prepared by the Director, as follows:

a. Aquifer recharge study: Hydrogeologist;

b. Flood hazard area study: Professional civil engineer; hydro-geologist;

c. Geologically hazardous area study: Engineering geologist; geotechnical engineer, provided that:

i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or

likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and

ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.

d. Stream, riparian area, drainage corridor study: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;

e. Wetland study: Wetlands specialist.

f. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.

5. The Director may in some cases retain experts at the applicant's expense to assist in the review of studies; and

6. Such studies shall be prepared in accordance with procedures established by the Director or City Engineer as specified.

B 6. Mitigation plan requirements.

A. All critical area restoration, creation and/or enhancement projects required pursuant to this appendix either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the Director. The applicant or violator shall receive written approval of the mitigation plan by the Director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.

B. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.

C. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the Director.

1. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the Director):

a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.

b. Scaled plot plan(s) indicating:

i. Proposed construction;

ii. Zoning setback and critical area buffer requirements;

iii. Construction phasing and sequence of construction;

iv. Site cross-sections, percent slope, existing and finished grade elevations;

v. Soil and substrate conditions;

vi. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling locations and techniques, and source controls needed for critical area construction and maintenance;

vii. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and

viii. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.

2. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).

a. Baseline Information.

i. Wetland delineation and existing wetland acreage;

ii. Vegetative, faunal and hydrologic characteristics;

iii. Soil and substrate conditions;

iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;

v. Existing and proposed adjacent site conditions; and

vi. Existing and proposed ownership.

b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:

i. Site selection criteria;

ii. Identification of compensation goals;

iii. Identification of functions and values;

iv. Dates for beginning and completion of the project and compensation plan;

v. A complete description of the relationship between and among structures and functions sought;

vi. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;

vii. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and

viii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

e. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

v. Measuring sedimentation rates, if applicable; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

f. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.

g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

D. Performance and Maintenance Surety and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted.

E. City Consultation. The City may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

F. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the Director shall become part of the application for the permit.

B.7. Aquifer recharge areas.

~~A. Classification. The entirety of Bainbridge Island is the recharge area for the island aquifers. Certain uses must be carefully evaluated before being approved, and others must be prohibited, in order to protect the city's aquifers, due to the following:~~

~~1. Bainbridge Island is dependent upon its aquifers as the sole and essential source for drinking water. Critical recharge areas have the potential to affect potable water where an essential source of drinking water is vulnerable to contamination.~~

~~2. The island aquifers are vulnerable to pollution that has the potential to create a significant public health hazard. High vulnerability is indicative of land uses which produce contaminants that may degrade groundwater and low vulnerability is indicative of land uses which will not.~~

~~3. Susceptibility to pollution is a function of depth of groundwater, permeability of soils, soil types, presence of potential sources of contamination and any other relevant factors.~~

~~4. Soil types that transfer water to the aquifer are rated in terms of infiltration rate. Soil types with the high infiltration rates are associated with areas of high aquifer recharge. The rates and soil types are defined by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Kitsap County.~~

~~5. The island aquifers are vulnerable to a reduction in recharge from activities that reduce the infiltration rate on a site.~~

~~B. Hydrogeologic Assessment. The following proposed activities will require the preparation of a hydrogeologic assessment:~~

~~1. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;~~

~~2. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day; or~~

~~3. Any other activity determined by the Director likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.~~

~~C. Hydrogeologic Assessment Requirements. A hydrogeologic assessment shall include, at a minimum, the following site and proposal-related information:~~

~~1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;~~

~~2. Ground water depth, flow direction, and gradient based on available information;~~

~~3. Currently available data on wells and springs within 1,300 feet of the project area;~~

~~4. Location of other critical areas, including surface waters, within 1,300 feet of the project area;~~

~~5. Available historic water quality data for the area to be affected by the proposed activity;~~

~~6. Best management practices proposed to be utilized to protect groundwater quality; and~~

~~7. Low impact development practices designed to maintain infiltration rates to the underlying aquifers.~~

~~D. Performance Standards – Specific Uses.~~

~~1. Storage Tanks. All storage tanks proposed in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:~~

~~a. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:~~

~~i. Prevent releases due to corrosion or structural failure for the operational life of the tank;~~

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

b. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;

ii. Have a primary containment area enclosing or underlying the tank or part thereof; and

iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

2. Vehicle Repair and Servicing

a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

b. No dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.

3. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

4. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the state departments of Ecology and Health.

a. Use of reclaimed water for surface percolation must meet the ground water recharge criteria given in Chapter 90.46.080(1) and Chapter 90.46.010(10) RCW. The state Department of Ecology may establish additional discharge limits in accordance with Chapter 90.46.080(2) RCW.

b. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

5. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Table 1: Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle

Activity	Statute – Regulation – Guidance
	and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (*Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)*	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC

Activity	Statute – Regulation – Guidance
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

E. Prohibited Uses. Uses Prohibited In Aquifer Recharge Areas. The following activities and uses are prohibited in Aquifer Recharge Areas:

1. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
2. Underground Injection Wells. Class I, III, and IV wells and subclasses of Class V wells;
3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
4. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store (other than minor sources such as medicinal uses or industrial testing devices) process, or dispose of radioactive substances; and
5. Other Prohibited Uses or Activities:

a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

b. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

B-8. Fish and wildlife habitat conservation areas.

A. Purpose. This section applies to all Fish and Wildlife Habitat Conservation Areas, as categorized in Subsection B-8 (B) below. The intent of this Section is to:

1. Preserve natural flood control, stormwater storage, and drainage or stream flow patterns;
2. Control siltation, protect nutrient reserves, and maintain stream flows and stream quality for fish and marine shellfish;
3. Prevent turbidity and pollution of streams and fish or shellfish bearing waters;
4. Preserve and protect habitat adequate to support viable populations of native wildlife and fish on Bainbridge Island; and,
5. Encourage non-regulatory methods of habitat retention whenever practical, through education and the Open Space Tax Program.

B. Fish and Wildlife Habitat Conservation Areas Categories.

1. Classification. The following categories shall be used in classifying Fish and Wildlife Habitat Conservation Areas:

a. Marine Critical Areas. Commercial and recreational shellfish areas; kelp and eelgrass beds; marine and estuarine waters of the state and herring, sand lance and smelt spawning areas.

b. Streams: All streams which meet the criteria for Type F, Np and Ns waters as set forth in WAC 222-16-030 of the Department of Natural Resources Water Typing System and as further modified by the definitions in this appendix. Once a stream has been classified, the City must document the reasons for changes in the classification.

c. Fish and Wildlife Conservation Areas:

i. Class I Fish and Wildlife Conservation Areas: Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened, and sensitive species documented in maps or data bases available to the City of Bainbridge Island and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

ii. Class II Fish and Wildlife Conservation Areas. Habitats for State listed candidate, monitor, or priority species documented in maps or data bases available to City of Bainbridge Island and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

d. Habitats and Species of Local Importance. This section provides for the designation and protection of habitats and species of local importance.

i. Designation of species of habitat of local importance can be based on any of the following circumstances:

(a) Local populations of native species are in danger of extirpation based on existing trends.

(b) Local populations of native species are likely to become threatened or endangered under state of federal law.

(c) Local populations of native species are vulnerable or declining.

(d) The species or habitat has recreation, commercial, game, tribal, or other special value.

(e) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat.

(f) Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the city.

(g) Without protection, there is likelihood that the species or habitat will be diminished over the long term.

ii. Nomination.

(a) Any person may nominate habitats and species for designation.

(b) The nomination should indicate whether specific habitat features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.

(c) Where the nomination is a specific habitat site, the nomination shall include the name and address of all property owners of record of all assessor parcels within the area potentially affected by the management recommendations. The list shall at a minimum include all properties within 300 feet from the edge of all property identified for special designation.

(d) The nomination shall include recommended management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.

iii. Nomination processing and approval. The decision whether to designate a nominated species or habitat as one of local importance shall be made by the City Council. If approved, the City Council shall pass an ordinance establishing the designation.

iv. Establishment of specific rules for protection. Within 120 days of the effective date of an ordinance designating a species or habitat of local importance, the Director shall develop an administrative rule addressing protection in compliance with this section.

C. Development Standards. Regulated uses in designated Fish and Wildlife Habitat Conservation Areas and/or buffers shall comply with the performance standards outlined in this Section.

1. Development standards – streams:

a. Water quality buffers – An applicant shall provide the prescribed water quality buffers in Table 2 unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

b. Habitat buffers – An applicant shall provide either:

i. The prescribed habitat buffers in Table 2; or

ii. An approved Habitat Management Plan, pursuant to Section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in Table 2.

c. Buffer distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting native or equivalent vegetation as approved by the Director.

d. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flow, or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature.

e. Refuse and landscaping debris shall not be placed in buffers.

f. Streams in Ravines - Buffers. For streams in ravines outside the Mixed Use Town Center with ravine sides 10 feet or greater in height, the buffer width shall be the greater of:

i. The buffer width required for the stream type; or

ii. A buffer width which extends 25 feet beyond the top of the ravine.

h. Building Setback Line. A building surface setback line of 15 feet is required from the edge of any fish and wildlife habitat conservation area buffer except as provided for in Section B-11. Minor structures such as decks or impervious surfaces such as driveways may be permitted if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area. The setback shall be identified on the site plan and filed as an attachment to the notice on title.

Table 2: Stream Buffers

Stream Category	Water Quality Buffer	Habitat Buffer	Total Buffer
Fish Bearing (F)	100 ft	50 ft	150 ft
Non-Fish Perennial (Np)	40 ft	10 ft	50 ft
Non-Fish Seasonal (Ns)	40 ft	10 ft	50 ft

3. Class I Fish and Wildlife Conservation Areas Development Standards. All development as described within this chapter or within 200 feet of designated Class I Wildlife Conservation Areas shall adhere to the following standards:

a. The applicant shall submit a Habitat Management Plan as specified in Section B- 4 for approval by the Director. If a wildlife conservation area designation is based on the presence of bald eagles, a Bald Eagle Management Plan, approved by the Washington State Department of Fish and Wildlife and meeting the requirements and guidelines of

the bald eagle protection rules, WAC 232-12-292(or its successor), as now or hereafter amended, shall satisfy the requirements for a Habitat Management Plan (HMP).

b. All new development within ranges and habitat elements with which Class I Fish and Wildlife have a significant relationship may require the submittal of a Habitat Management Plan (HMP) as specified in Section B- 4. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

c. An HMP required pursuant to this section shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation.

d. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

4. Class II Fish and Wildlife Conservation Area Development Standards. All development within designated Class II Wildlife Conservation Areas shall adhere to the following standards:

a. An HMP may be required for any proposed development within designated Class II Fish and Wildlife Conservation Areas. The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

b. Increased Buffer Provisions. The Director may increase buffer widths, up to 50% greater than the applicable buffer set in this chapter for critical areas with known locations of endangered, threatened, or state monitor or priority species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species. Such determination shall be based on site-specific and project-related conditions.

5. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter, shall comply with the following minimum development standards:

a. Bridges or bottomless culverts shall be required for all streams which have Salmonid breeding habitat. Other alternatives may be allowed upon submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the Fish and Wildlife Conservation Area, as determined appropriate through the Washington State Department of Fish and Wildlife, Hydraulics Project Approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

b. Crossings shall not occur in Salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

c. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary, high water marks unless no other feasible alternative placement exists;
d. Crossings shall not diminish flood carrying capacity;
e. Crossings shall serve multiple properties whenever possible;
f. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.
6. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval:
a. The channel, bank, and buffer areas should be replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;
b. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section B-1, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and
c. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.
7. Pesticides, Fertilizers and Herbicides. Use of pesticides, fertilizers, herbicides are regulated by Section 4.1.7 of the Shoreline Master Program
8. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:
a. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.
b. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.
c. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for habitat conservation areas. Each lot must also have access and a sewage disposal system location that are suitable for development which do not adversely impact the Fish and Wildlife Conservation Area.
d. After preliminary approval and prior to final land division approval, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the aquatic buffer.
10. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in Fish and Wildlife Habitat Conservation Areas or their buffers pursuant to the following standards:

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

b. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

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

d. Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Elevated trails which protect or enchance ecological functions shall be used to the maximum extent feasible. Trails shall be constructed with pervious surfaces when feasible.

12. Stream Bank Stabilization.

a. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a Building Permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of Fish and Wildlife Habitat, flood control, and improved water quality.

b. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the structure. The Director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.

c. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.

13. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the buffer.

B-9. Geologically hazardous areas.

A. General. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas. Zone of influence areas are not considered geologically hazardous areas.

B. Purpose. The intent of this section is to prevent the potential for personal injury or loss of life or property due to flooding, erosion, landslides, seismic events, or soil subsidence. Development must not increase slope instability, and must avoid on-site and off-site impacts, as well as potential risk to structures. Preserving the existing vegetation may be an important part of minimizing those risks.

C. Classification. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through structural engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.

D. Minimum Submittal Requirements.

1. All geologically hazardous areas and buffers.

a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City and executed prior to the commencement of construction or site alteration.

b. Notice A notice of intent to construct on a landslide hazard area or reduce the minimum buffer in a landslide hazard area shall be given pursuant to BIMC 2.16. 20. The notice of intent shall be issued within 14 days of a completed application pursuant to BIMC 2.16.020(5). The notice shall include a 21-day comment period and no permits or approval of reduced buffers shall be issued before the end of the comment period.

c. All reports or analyses required or prepared pursuant to this Section shall be prepared pursuant to Section B-5, B-9 and/or any other applicable provisions of this appendix, and shall meet the satisfaction of, and be approved by, the City Engineer prior to the commencement of any development activity.

d. To protect public health, safety and welfare, the City Engineer may call for a third party review of any geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third party review is required, costs incurred for a qualified third party geotechnical engineer to perform the review shall be borne by the applicant.

e. Geological Hazards Assessment. A Critical Area report is required for all projects in geologically hazardous areas and buffers and shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

i. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

A. The type and extent of geologic hazard areas, any other Critical Areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;

~~B. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;~~

~~C. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and~~

~~D. Clearing limits.~~

~~ii. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:~~

~~A. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;~~

~~B. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and~~

~~C. A description of the vulnerability of the site to seismic and other geologic events.~~

~~iii. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.~~

~~iv. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard buffers set forth in section Section B-9(E)(2)(a) the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.~~

~~f. Incorporation of Previous Study. Where a valid Critical Areas report has been prepared for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.~~

~~g. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected life span of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.~~

~~h. In addition to the general Critical Area report requirements of section B-9(D) Critical Area reports for geologically hazardous areas must meet requirements of this section. Critical~~

~~Area reports for two or more types of Critical Areas must meet the report requirements for each relevant type of Critical Area.~~

~~2 Landslide Hazard and Erosion Hazard Areas. In addition to the basic Critical Areas report, a Critical Area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:~~

~~a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit, in accordance with BIMC 15.20.~~

~~b. The applicant shall provide a geotechnical analysis containing the following information:~~

~~i. Site Plan. The Critical Area report shall include a copy of the site plan for the proposal showing:~~

~~A. The height of slope, slope gradient, and cross-section of the project area;~~

~~B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and~~

~~C. The location and description of surface water run-off features.~~

~~ii. Hazards Analysis. The hazards analysis component of the Critical Areas report shall specifically include:~~

~~A. A description of the extent and type of vegetative cover;~~

~~B. A description of subsurface conditions based on data from site-specific explorations;~~

~~C. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;~~

~~D. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;~~

~~E.. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;~~

~~F. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;~~

~~G. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;~~

~~H. Recommendations for building siting limitations; and~~

~~I. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.~~

~~iii. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:~~

~~A. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;~~

~~B. Recommendations for drainage and subdrainage improvements;~~

~~C. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and~~

D. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

3. Seismic Hazards Areas. In addition to the basic report requirements, a Critical Area report for a seismic hazard area shall also meet the following requirements:

a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the City. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).

c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas, pursuant to Section B-9(D).

4. Tsunami Hazards. The City shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.(may need revision)

5. Zone of Influence Areas beyond the established buffer. The applicant shall have the surface and storm water management plan (See BIMC 15.20)for the project reviewed by a geotechnical engineer to determine if there is any potentially adverse impacts to the landslide hazardous area. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specially recommended in the report and authorized by the City Engineer."

E. Development Standards.

1. General Requirements. The City Engineer shall establish administrative procedures to implement this section. The applicant shall meet the following standards for all new activities permitted in geologically hazardous areas or associated buffers:

a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:

i. The subject parcel shall not be less stable after the planned development than before; and

ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.

b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;

ii. Risk to any off-site structures or property of any kind; and

d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.

e. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.0 for dynamic conditions. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.

f. The proposed activity shall not further degrade the values and functions of the associated critical areas.

2. Redevelopment of existing structures

a. If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure.

b. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer deminsions in B-9(E)(3)(i);

3. Development Design and Location. The following requirements shall apply to any land or vegetation modification or construction within a landslide hazard area and/or its buffer as described herein:

a. Buffer Requirement: A buffer equal to the height of the slope or fifty (50) feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, reduction may be allowed as follows:

i. Buffer Reduction.

A. Buffer reductions may be allowed provided a critical areas report, pursuant to Section B-9(D)(1)(2) and any other related section of Appendix B, demonstrates to the Director that the buffer reduction will not reduce the level of protection to the proposed development, adjacent properties, and other associated critical areas as required by Section B-9(E)(1).

B. For slopes forty (40) percent or greater the buffer may in no case be reduced to less than ten (10) feet. A decision by the Director to reduce buffer shall be based on a critical areas report pursuant Section B-9(D)(1)(2) that may includes a third-party independent review by a qualified geotechnical engineer pursuant to BIMC Section B-9(D)(1)(d);

ii. Increased Buffer. The buffer may be increased beyond that specified in subsection (a) above if the Director determines a larger buffer is necessary to prevent risk of damage to proposed development, adjacent development, and uses and the associated critical areas;

iii. Building Setback. All building and structures shall have a minimum setback of (15) feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity; and

iv. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

b. All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;

c. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;

d. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

e. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;

f. All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;

g. Cut and fill slopes shall be prepared and maintained to control against erosion and instability;

h. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts. The proposed activities shall not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition; and

F. Exemptions. The following activities are permitted in geologically hazardous areas or associated buffers; provided, that the applicant can demonstrate that applicable standards in Subsection B-9(E)(1) can be met, or where the applicant has demonstrated through a Critical Areas report prepared by a geotechnical engineer in accordance with the specifications of the City Engineer that no adverse impact will result from the proposal and where approved surface water drainage will result in minimum slope and vegetation disturbance:

1. Surface Water Management: Slopes or buffers may be used for approved surface water conveyance if no other reasonable alternative route is available. Installation techniques shall minimize disturbance to the slope and vegetation.

2. The construction of approved public or private trails; provided, they are constructed of material, for example cable lift access, which will not contribute to surface water runoff;

3. The construction of public or private utility corridors or streets; provided, it has been demonstrated that such alterations will not increase landslide or erosion risks through required analysis pursuant to section B-9(D)(1) and the City determines that no other feasible alternative exists;

4. Select Vegetation Removal Activities. The following vegetation removal activities are allowed, provided that no vegetation shall be removed from a geologically hazardous area or its buffer without approval from the Director;

a. Removal of noxious weeds using non-motorized equipment or light equipment if approved by the Director. Provision for the use of herbicides are in Section 4.1.7 of the Shoreline Master Program. Bare areas remaining after weed removal shall be re-vegetated with native plant species pursuant to an enhancement plan approved by the City.

b. Removal and pruning of hazard trees as defined ISA (International Society of Arboriculture) standards by provided that a ISA certified arborist documents the hazard

and provides a report to the Director for review and approval. Replacement shall be based on the recommendations of the arborist and geotechnical engineer and approved by the Director. The Director may require a second opinion from a certified ISA arborist in cases of removal of hazard trees. Mitigation for tree removal shall follow Section 4.1.2 of the Shoreline Master Program and the following

i. Size of trees shall be approved by the Director. and

ii.The landowner shall ensure 100% survival of replacement trees.

5. The trimming and limbing of vegetation for the creation and maintenance of view corridors in accordance with the pruning standards of the International Society of Arboriculture; provided, that the soils are not disturbed and activity will not increase the risk of landslide or erosion. All vegetation removal must be based on a bluff management plan (SMP Section 4.1.5) developed by a certified arborist and reviewed by a geotechnical engineer to determine if it will impact slope stability. A clearing permit will be required prior to the any vegetation removal.

6. Limited Exemption - For landslide areas 40% or greater with a vertical elevation change of up to twenty (20) feet may be exempted from section B-9(E)(2)(i) based on the City review and acceptance of a Critical Areas report from a geologist or licensed geotechnical engineer in accordance with section B-9(D) when no adverse impact will result from the exemption.

B-10. Wetlands.

A. Purpose. This section applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized in section B-10(B) below. The intent of this Section is listed in no specific priority, as follows:

1. Preserve, protect, restore, and improve wetland functions and values. Achieve no net loss and increase the quality of wetland acreage, functions, and values within the city. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this Section, the Director may deny development proposals that would irreparably impact regulated wetlands; and

2. Protect the public's health, safety, and welfare, while preventing public expenditures that could arise from improper wetland uses and activities; and

3. Plan wetland uses and activities in a manner that protects and enhances the natural systems and environmental quality of Bainbridge Island and allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter; and

4. Preserve ecological functions and values of wetlands which provide water quality protection, natural flood control, stormwater storage, contributes to groundwater and stream flow, shoreline stabilization, and wildlife and fish habitat; and

5. Prevent turbidity and pollution of wetlands and fish or shellfish bearing waters, and maintain healthy wildlife habitat; and

6. Encourage land use development patterns that maintain, enhance, or restore natural wetland systems and protect disturbance-sensitive and wetland-dependent wildlife, fish resources, and open space; and

7. Protect and preserve wetlands values as natural areas providing aesthetic, recreational, and educational opportunities that need to be preserved for future generations; and

8. Enhance the connectivity between wetland landscapes.

B. Wetland Delineation and Categories. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Bainbridge Island meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

The City uses the Department of Ecology's (DOE's) Washington State Wetland Rating System for Western Washington, 2004, or as amended hereafter and adopted by the Director to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Once a wetland has been classified using the current DOE rating system, the City shall not reclassify the wetland without clearly documenting the reason for the change. If the wetland has a rating in the City GIS system, this rating can be used for regulatory purposes. This system consists of four wetland categories generally described as follows:

1. Category I wetlands are those that:

a. Represent unique or rare wetland type; or

b. Are more sensitive to disturbance than most wetlands; or

c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

d. Provide a high level of function.

Category I wetlands include estuarine wetlands larger than one acre, bogs, mature and old-growth wetlands over one acre, wetlands in coastal lagoons, and wetlands that perform many functions very well as demonstrated by a score of over 70 points using the DOE rating system.

2. Category II wetlands are difficult, though not impossible, to replace, and provide a high level of function. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre and wetlands that perform functions well as demonstrated by a score of 51-69 using the DOE rating system.

3. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 30-50 points using the DOE rating system.

4. Category IV wetlands have the lowest level of function as demonstrated by a score less than 30 points using the DOE rating system and are often heavily disturbed.

C. Regulated and Non-Regulated Wetlands Classification.

1. Regulated Wetlands:

a. All natural wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0)

b. Unintentionally created wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0) except as listed in subsection (C)(2)(b) of this section.

c. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

2. Non-Regulated Wetlands:

a. Created Wetlands. Wetlands created intentionally from a non-wetland site that was not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals,

detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this chapter, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

b.. Recent, Road Construction Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

D. Development Standards.

1. Water quality buffers – An applicant shall provide the prescribed water quality buffers in this section (Tables 3-6) unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

2. Habitat buffers – An applicant shall provide either:

a. The prescribed habitat buffers specified in this section (Tables 3, 4, 5, and 6); or

b. An approved Habitat Management Plan, pursuant to section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in this section (Tables 3, 4, 5, and 6).

3. Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the Director. No refuse shall be placed in the buffer. Alteration of habitat buffer areas may be allowed for water-dependent and water-related activities and for development authorized by Section B-2 (C) (Exemptions), or Section B-2(D)(Standards for Existing Development), or Section B-3(3) (Buffer Averaging), or through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.Table 3: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Natural Heritage Wetlands	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
Bogs	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Forested	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
Wetlands in Coastal Lagoon	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality 24-32 pts.; habitat less than 20 pts.)	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 4: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 15 ft	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 5: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	40 ft 60 ft 80 ft	35 ft 50 ft 70 ft	75 ft 110 ft 150 ft	N/A
Not meeting above criterion	Low Moderate High	60 ft 60 ft 80 ft	0 ft 0 ft 0 ft	60 ft 60 ft 80 ft	N/A

Table 6: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Larger than 10,000 square feet	Low Moderate High	40 ft 40 ft 50 ft	0 ft 0 ft 0 ft	40 ft 40 ft 50 ft	N/A
Smaller than 10,000 square feet	Low Moderate High	40 ft 40 ft 40 ft	0 ft 0 ft 0 ft	40 ft 40 ft 40 ft	N/A

a. For Category II or III wetlands smaller than 10,000 square feet with a habitat score of less than 20 points, the buffer may be reduced by 50 percent.

b. For the purpose of determining the impact of land use, unless the Director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined based on the "impact of land use" definition.

5. If an applicant elects to propose an HMP, and that HMP proposes habitat buffer widths less than those prescribed in Tables 3 – 6, the HMP shall be prepared pursuant to Section B-4 and fulfill all requirements specified therein.

6. Table 7 provides examples of measures that might be provided in an HMP or when prescribed buffers are otherwise altered to minimize impacts of certain activities. Other

measures may also be effective in minimizing impacts depending on site-specific circumstances and the nature of proposed activity.

Table 7: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	Locate activity that generates noise away from wetland.	Manufacturing, residential
Toxic runoff*	Route all new runoff away from wetland. Establish covenants limiting use of pesticides within 150 ft of wetland. Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling
Pets	Plant dense vegetation around buffer, such as rose, hawthorn, etc.	Residential areas
Human disturbance	Plant buffer with impenetrable natural vegetation appropriate for region.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

7. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.
8. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

a. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the Director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per City approval.

b. The Director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The Director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

9. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the Director determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to a notice on title.

E. Regulated Uses And Activities. New development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 8. The City may grant exceptions to these uses and activities according to the intent and specifications of this chapter. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the Director and may be subject to mitigation as required by this chapter. Development shall be classified as "allowed," "permitted," "special use" or "prohibited" according to this Section. Any regulated uses not specifically listed in Table 8 and Table 4 of the Shoreline Master Program shall be considered unclassified and may be allowed if granted a special use review in accordance with this chapter and the Shoreline Master Program. For the purpose of Table 8, "W" and "B" refer to the terms "wetland" and "buffer."

Table 8: Regulated Uses and Activities in Regulated Wetlands and Buffers

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
1. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C)	X	N/A	X	N/A	X	N/A	X	N/A
Driving of Piles	X	X	S	S	S	S	P	P
2. Educational or Scientific Activities	P	P	P	P	P	P	P	P
3. Enhancement	S	S	P	P	P	P	P	P
4. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S
5. Fill (associated with no other use)	X	X	X	X	X	X	X	X
6. Fish Hatchery	X	X	S	S	S	S	S	S
7. Flooding (associated with no other use)	X	X	S	S	S	S	S	S
8. Forest Practice-Class IV General or COHP	X	X	X	X	X	X	X	X
9. Golf Course	X	X	X	X	S	S	S	S
10. Land Division	P	P	P	P	P	P	P	P
11. Parks Development-Public & Private	S	S	S	S	S	S	P	P
12. Placing of Obstruction	X	X	X	X	X	X	X	X
13. Public Facility	X	X	X	S	S	S	S	S

	Category I W B	Category II W B	Category III W B	Category IV W B
14. Public Project of Significant Importance	S S	S S	S S	S S
15. Radio/TV Towers	X X	S S	S S	S S
16. Restoration/Revegetation of Site	S S	P P	P P	P P
17. Road/Street-Public/Private Access A) Expand within existing ROW B) New Facilities	S S X X	S S S S	S S S S	P P S S
18. Signs (Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P P	P P	P P	P P
19. Site Investigation (non-mechanized)	A A	A A	A A	A A
Site Investigation (mechanized)	P P	P P	P P	P P
20. Trails and Trail Related Facilities	P P	P P	P P	P P
21. Utility Facility	X X	S S	S S	S S
22. Utility On-Site Sewage Facility	X X	X S	X S	X S
23. Utility Line-Overhead	S S	S S	S S	P P

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

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

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

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

a. Density Calculation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Minimize the amount of clearing and grading;

c. Elevate structures where possible;

d. Avoid impacting the flow of water;

e. Use appropriate building materials; and

f. Minimize the impacts of construction.

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

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

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

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

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

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

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

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

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

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

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

a. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;
b. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals and plans; and
c. Provide for the long-term protection and management of the compensation area to avoid further development or degradation.

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

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

Table 9: Replacement Ratios for Wetlands

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

b. Replacement ratios for buffers shall be 1:1.
c. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:
i. Uncertainty as to the probable success of the proposed rehabitiation or creation;
ii. Significant period of time between destruction and replication of wetland functions; or
iii. Projected losses in functional value.
d. Decreased Replacement Ratio. The Director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.
e. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Upland sites which were formerly wetlands;

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

iii. Other disturbed upland.

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

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

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

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

B-11. Frequently Flooded Areas

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

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

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

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

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

B. Standards.

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

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

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

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

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

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

A. "Option A" - Prescriptive Standards.

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

Winslow Ravine Stream within the MUTC.			

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

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

Table I – Shoreline Study Requirements

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

Footnotes:

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

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

Appendix C

Buffer Recommendation Memorandums

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Libby Hudson, Long Range Planning Manager
Ryan Ericson, Associate Planner

DATE: August 11, 2011

RE: Herrera Environmental Consultants Memorandum documenting Marine Shoreline Buffer Recommendation Discussions
City Council Special Meeting of August 16, 2011

The attached memorandum has been provided by the City's scientific consultants, Herrera Environmental Consultants, to assist the City in developing buffer recommendations as part of the Shoreline Master Program Update process. The memo is intended to be utilized by the citizen workgroups, Planning Commission and City Council in reviewing and updating the vegetation conservation buffer and management standards.

This memo is informed by the science summarized in two documents that the City commissioned, the *Nearshore Assessment Summary of Best Available Science* (Battelle, October 2003) and the *Summary of Science Addendum* (Herrera, 2011). The memo reflects the outcome of buffer requirement discussions with Herrera and City staff, the requirements of the state Shoreline Master Program (SMP) Guidelines (WAC 173-26), and the policy direction of the citizen workgroups. In respect to vegetation conservation for the SMP Update, the state Guidelines [WAC 173-26-201(3)(d)(viii) and 173-26- 221(5)(b)] direct that the City should:

- Identify measures and regulations that address conservation of vegetation and ensure that new development meets vegetation conservation objectives;
- Assure no net loss of shoreline ecological functions and ecosystem-wide processes through a variety of measures, including setback and buffer standards;
- Identify ecological processes and functions of vegetation that are important to the local aquatic and terrestrial ecology and provide measures that conserve sufficient vegetation to maintain these functions;

- Vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline function.

The City's existing SMP utilizes vegetation buffers known as Native Vegetation Zones (NVZ). The policy direction from the SMP Vegetation Conservation Workgroup suggests that in updating these buffers, the City should:

- Protect and restore shoreline vegetation to maintain and enhance ecological functions, human safety, personal property protection, and shoreline views and vistas. (Vegetation Conservation and Management Zones Draft Goal); and
- Establish shoreline vegetation conservation and management zones immediately upland of ordinary high water mark (OHWM) for each shoreline use and shoreline characterization, recognizing the pattern of development, shoreline ecological and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). (Vegetation Conservation and Management Zones Draft Policy #6).

Developing Marine Shoreline Buffer Recommendations

The process used to develop the memorandum and the suggested range of buffers included several stages and was completed during a series of discussions with the consultant team and staff, including the following:

1. Reviewing the science related to buffers (summarized at the beginning of the memo, page 1). This was completed by Herrera.

2. Developing a concept for a two-zoned management area (buffer) that is comprised of a more protective (and more restricted use and activity) zone adjacent to the OHWM, and a more flexible zone (allowing minimal use, activity and alteration to vegetation) situated within the remaining portion of the management area. This concept is described on page 6 of the Herrera memo, under *Marine Shoreline Buffer and Riparian Protection Zone Recommendations*. The two-zoned management area concept was developed with Herrera and City staff, first agreeing on principles that met the SMP Guidelines and the policy direction of the citizen workgroup. These are outlined in the section *Agreed Principles,* page 9 of the Herrera memo.

3. Developing dimensional recommendations. The *Buffer Considerations and Recommend*ations section of the memo, page 11, was developed using the two-zone concept and developing principles that are informed by the science and the characteristics of the Bainbridge Island shoreline. Widths were then established for the management areas and applied to the proposed shoreline designations, (Table 1, page 12). This was completed by Herrera and modified by City staff to reflect the policy direction of the citizen workgroups and the proposed shoreline designation map.

Terminology

Vegetation conservation is important for managing and retaining shoreline vegetation in both the state SMP Guidelines and in the City's existing SMP (which included Native Vegetation Zones established for all shoreline designations). These management areas are intended to protect

shoreline functions, primarily related to vegetation. In the scientific literature and within local shoreline master programs, these areas might be called different names, including "buffers", "setbacks" or "management areas". This can be confusing since the terms for different management tools are frequently interchanged. Technical and scientific literature refer to buffers as relatively undisturbed areas that protect ecologically sensitive areas, while planning and regulatory terminology often allows some limited disturbance of the buffer area. This document uses the planning and regulatory definition of buffers.

As a management tool, these protective areas have the following in common: the area is a designated dimensional area situated along the shoreline, measured from the OHWM landward, with adopted regulations that limit uses and activities within these areas. The width of this area may be a fixed width or a flexible width (as is proposed here).

The Herrera memo uses terminology for this protective area, describing it as a marine shoreline buffer or *Standard Buffer*, that includes an inner zone, the *Riparian Protection Zone* (RPZ), which is measured adjacent to the OHWM.

These terms are slightly different in the draft Vegetation Conservation and Management Zones regulations, in which the entire buffer is called the *Standard Shoreline Buffer* (SSB) and is comprised of two zones, the *Riparian Protection Zone* (RPZ) and the *Marine Shoreline Zo*ne (MSZ).

Revised Memorandum

The Herrera Memorandum was revised on August 11, 2011 to provide additional clarification and to correct or clarify some citations used in the document.

Herrera Environmental Consultants, Inc.

Memorandum

To	Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager City of Bainbridge Island
From	Amanda Azous, José Carrasquero, and Jeff Parsons, Herrera Environmental Consultants; Lisa Grueter, BERK
Date	August 2, 2011
Subject	Documentation of Marine Shoreline Buffer Recommendation Discussions

The following discussion documents thoughts and considerations with respect to marine shoreline buffers for different shoreline use designations. The discussion is based on a review of the City of Bainbridge Island's (City) existing marine shoreline buffer regulations, the City's shoreline character, nearshore assets, existing and future land uses, scientific recommendations for marine buffers, as well as discussions with City staff. This memo begins with describing what a marine shoreline buffer is and how it differs from a riparian area; followed by a summary discussion of science-based buffer recommendations; and closes with buffer recommendations for the City's shoreline management plan update. For reference, marine shoreline buffer widths currently required by the City's shoreline regulation are provided in Attachment A, and are taken from Chapter 16.12 BIMC.

Marine Shoreline Buffers and Riparian Areas

Marine shoreline buffers are used in the City to regulate areas to protect the marine nearshore from the effects of land use activities (such as construction of buildings, driveways, and other infrastructure). Marine shoreline buffers may have variable widths, and use restrictions generally apply uniformly to the entire buffer area. This discussion in part serves to distinguish the concept of a marine shoreline buffer from that of a riparian area, which is an integral part of an aquatic ecosystem and, therefore, requires a more protective level of regulation.

A riparian area differs from a marine shoreline buffer in that it describes the terrestrial ecosystem directly adjacent to the marine nearshore that interacts with the aquatic environment. For example, intact riparian areas have native plant communities comprised of varying species of herbs and grasses, shrubs, deciduous trees, and coniferous stands of various ages and they are integral to the proper functioning of the nearshore. Native plant species are those species that occur or historically occurred on Bainbridge Island before European contact based upon the best available scientific and historical documentation.

Key functions supplied by riparian areas include providing large woody debris (LWD), bank stability, marine species food sources such as detritus and insects, and temperature moderation of beach substrate. This includes providing an overhanging, complex network of branches, trunks,

stems and roots that act to moderate nearshore wave energy. In contrast, marine shoreline buffers may include non-native landscaping, vegetable gardens, and lawns as well as possibly, native vegetation communities.

Because the functions provided by a riparian area are fundamental to maintaining a healthy functioning marine nearshore, it is recommended that the City designate a riparian protection zone (RPZ) with more restricted uses and assign a separate marine shoreline buffer to protect the RPZ. This would be done to protect such areas that are currently intact, and to establish an RPZ where such areas do not currently exist such as when properties re-develop, remodel or otherwise expand development. The RPZ would be treated as a conservation area to preserve the essential relationship between nearshore and shoreline ecological functions.

Some activities allowed within the RPZ would be weed removal, hazardous tree or limb removal, or shoreline oriented uses that are a high priority such as water dependent uses on private parcels or nearshore access and water enjoyment uses in public park areas.[2] This approach will help to ensure the protection of what remains of the City's intact riparian zones and will facilitate and provide more flexibility for uses within marine shoreline buffers. Policies, incentives and regulations that support restoration of riparian areas (such as through restoration of native plant communities) would benefit increases in nearshore habitat and functions and assist with showing no net loss.

Scientific Importance of Marine Shoreline Buffers and Riparian Areas

Sustaining habitats and species requires protection of the ecological functions and processes that support survival and population success, in addition to the direct protection of the habitats themselves. Without adequate habitat protection, ecological functions and key natural processes become degraded. In response to this risk, scientifically based recommended buffer widths and site-specific methods for determining buffers have been established in several sources. These sources were reviewed and reported in the City's Addendum to the Summary of Science Report (Herrera 2011) and are briefly summarized here.

Marine Shoreline Buffers

Factors relevant to the effectiveness of marine shoreline buffers, or of a given buffer width, include the type and intensity of surrounding land development, influence of groundwater, stability of slopes or bluffs, types of pollutants and their sources, vegetation dynamics (such as type and density), and geomorphic functions of driftwood or other habitat features that might affect the functions and values of the buffer (Brennan et al. 2009). For example, slopes that are more susceptible to massive failure may require a larger buffer, particularly if existing development is contributing to an increased rate of erosion such as from poor stormwater management and a lack of stabilizing vegetation. Feeder bluffs contributing to spawning beaches may require a larger buffer in order to protect future development while also decreasing the future need for shoreline armoring. Parcels with marshes, lagoons, or spit / barrier / backshores likewise may require wider buffers to protect these important ecological features. Steep slopes comprised of bedrock (relatively rare in the City) or stable high bluffs (greater than 5 meters)

[2] Allowances in the RPZ are more fully discussed in recommendations starting on page 6.

may allow for a narrower buffer as slope stability and sediment sources would not be impacted by development.

Much of the existing riparian and buffer literature is related to freshwater systems therefore, Washington Department of Fish and Wildlife (WDFW) established a panel of scientists in 2008 to assess the freshwater riparian scientific literature to determine its applicability to marine shoreline systems. The result of the literature review, and the Marine Riparian Workshop Proceedings conducted by the scientific panel in 2008 was a common consensus that freshwater riparian buffer research was conceptually applicable to marine shorelines (Brennan et al. 2009). The data provided by the WDFW panel (Brennan et al. 2009) suggest that necessary buffer widths vary considerably depending on the site-specific characteristics and the functions to be protected. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, recommended buffers varied from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Buffer widths for organic matter contributions (such as plant litter and terrestrial insects) ranging between 16 and 328 feet from the shoreline, depending on site conditions, were reported by Bavins et al. (2000) for providing this function. Buffers to protect the large woody debris function important to habitat structure and shoreline stability were suggested to be between 33 and 328 feet. However, given that trees located 300 feet landward from the edge of a bluff or bank would not immediately be recruited on the nearshore, consideration should be given to the site's potential tree height and the current and expected rate of bluff or bank retreat when establishing buffers for providing large woody debris. The WDFW panel found that buffer widths to support a number of specific riparian functions were identified by May (2003) and Knutson and Naef (1997). May recommended 98 feet for fine sediment control, and shade and microclimate control and 164 feet for the LWD function. Knutson and Naef recommended 138 feet for fine sediment control, 90 feet for temperature moderation, and 147 feet for LWD and litter fall functions. The panel's review indicated that recommendations for wildlife habitat protection ranged from 50 feet (specific to highly rural areas) to 328 feet.

Riparian Areas

An extensive body of research and literature has emerged over the last three decades which documents the specific importance of riparian areas in providing ecological functions related to waters of the state. These functions include the following (Romanuk and Levings 2010; Brennan et al. 2009; Lemieux et al. 2004):

- Water quality maintenance
- Fine sediment control
- Large woody debris delivery and retention
- Microclimate moderation
- Nutrient delivery and retention
- Terrestrial carbon source to nearshore food webs
- Fish and wildlife habitat creation and maintenance
- Direct food support for juvenile salmonids
- Hydrologic based slope stability

There is consensus in the scientific community that marine riparian areas are critical to sustaining many ecological functions (Desbonnet et al. 1994; Brennan and Culverwell 2004; Lemieux et al. 2004; Brennan et al. 2009). Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region (Herrera 2007; Lemieux et al. 2004; Levings and Jamieson 2001; Redman et al. 2005) and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore (Lemieux et al 2004). Marine riparian areas contain elements of both aquatic and terrestrial ecosystems that mutually influence each other (Knutson and Naef 1997; Fresh et al. 2004; Lemieux et al. 2004). For example, juvenile salmon consume terrestrially derived carbon which can extend into the low intertidal zone (Romanuk and Levings 2010), and salmon are well known conduits for returning marine derived nutrients into freshwater systems (Chaloner et al. 2002; Wipfli 2003). Beach wrack and detritus accumulated in driftwood and tree fall in the nearshore zone, provide both terrestrial and marine derived food sources for invertebrates, fish, birds, and other organisms (Lewis 2007; Brennan et al. 2009). Riparian vegetation also provides contributions of organic matter, moisture, and nutrients that assist in the establishment and maintenance of estuarine marsh plants (Eilers 1975; Williams and Thom 2001).

These interactions between riparian vegetation and the nearshore marine environment are important to the survival and population success of numerous species that depend on marine habitats. Conservation efforts which, preserve the natural processes of detritus and nutrient conveyance, and organic debris accumulation, are therefore important in the marine environment. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

In literature reviews conducted to evaluate the potential impacts of removing riparian vegetation on numerous sensitive species, several mechanisms of impact have been identified (Herrera 2007b, 2008b). The degree of impact to the aquatic environment depends upon the magnitude of the vegetation removal or alteration (such as size and number of trees affected, and total area cleared of vegetation). At more severe levels, riparian vegetation modification could result in the following impacts, which would have subsequent implications for species survival and overall habitat condition:

- **Altered shade and temperature regime:** Caused by direct removal of vegetation.

- **Reduced bank and shoreline stability:** Caused by degradation of riparian vegetation, loss of vegetative cover and root cohesion, and reduced resistance to erosion. This may in turn affect aquatic habitat by increasing suspended sediments and altering riparian habitat structure.

- **Altered organic material contributions:** Caused by reduced source of leaf litter, woody debris, terrestrial insects, and other biota.

- **Altered habitat complexity and increased habitat fragmentation:** Caused by removal of native vegetation and creating habitat favored by invasive species.

There are geologic constraints on the type and density of vegetation that can establish on some areas of marine shoreline. For example, many bedrock shorelines are limited in the development of functional densities of vegetation. This is particularly relevant along the southern shoreline of the City where bedrock and overconsolidated sediments are common.

It has been shown that detritus feeding organisms may not be adapted to the leaf fall patterns or the chemical characteristics of leaves from non-native trees suggesting that riparian areas are most effective when comprised of native vegetation (Karr and Schlosser 1977). In addition, native plant species have adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species in marine riparian areas can also have consequent benefits on maintaining water quality.

In a meta-analysis review of 73 peer-reviewed studies of vegetated buffer efficacy in protecting water quality, Zhang et al. (2010) reported that forested buffers were generally found to remove more nitrogen (a limiting nutrient in marine waters) as well as phosphorus than grassed buffers. For areas with slopes up to 10 percent, predicted sediment removal efficiencies for a 33-foot (10-meter) vegetated buffer ranged from 76 to 100 percent. Removal efficiencies for nitrogen were 71 to 85 percent, and for phosphorus were 69 to 98 percent. Steeper slopes had declining removal rates.

By maintaining bank stability and contributing large wood to the aquatic environment, riparian vegetation forms and maintains habitat complexity. Riparian vegetation and large wood improve beach stability and contribute to roughness and sediment trapping (Brennan and Culverwell 2004; Gonor et al. 1988; Herrera 2005). This includes improved capacity of beaches to retain sand, a crucial substrate for forage fish spawning (Pentilla 2007).

Herrera (2005) suggested that driftwood and tree fall at the top of the beach may also stabilize the upper beach area by slowing littoral drift and reducing wave-induced erosion). It has been suggested that estuarine wood can affect water flow and the subsequent formation of bars and mudbanks (Gonor et al. 1988). The contribution to habitat complexity along marine shorelines may be maximized if trees that fall to beaches remain in place (Herrera 2005).

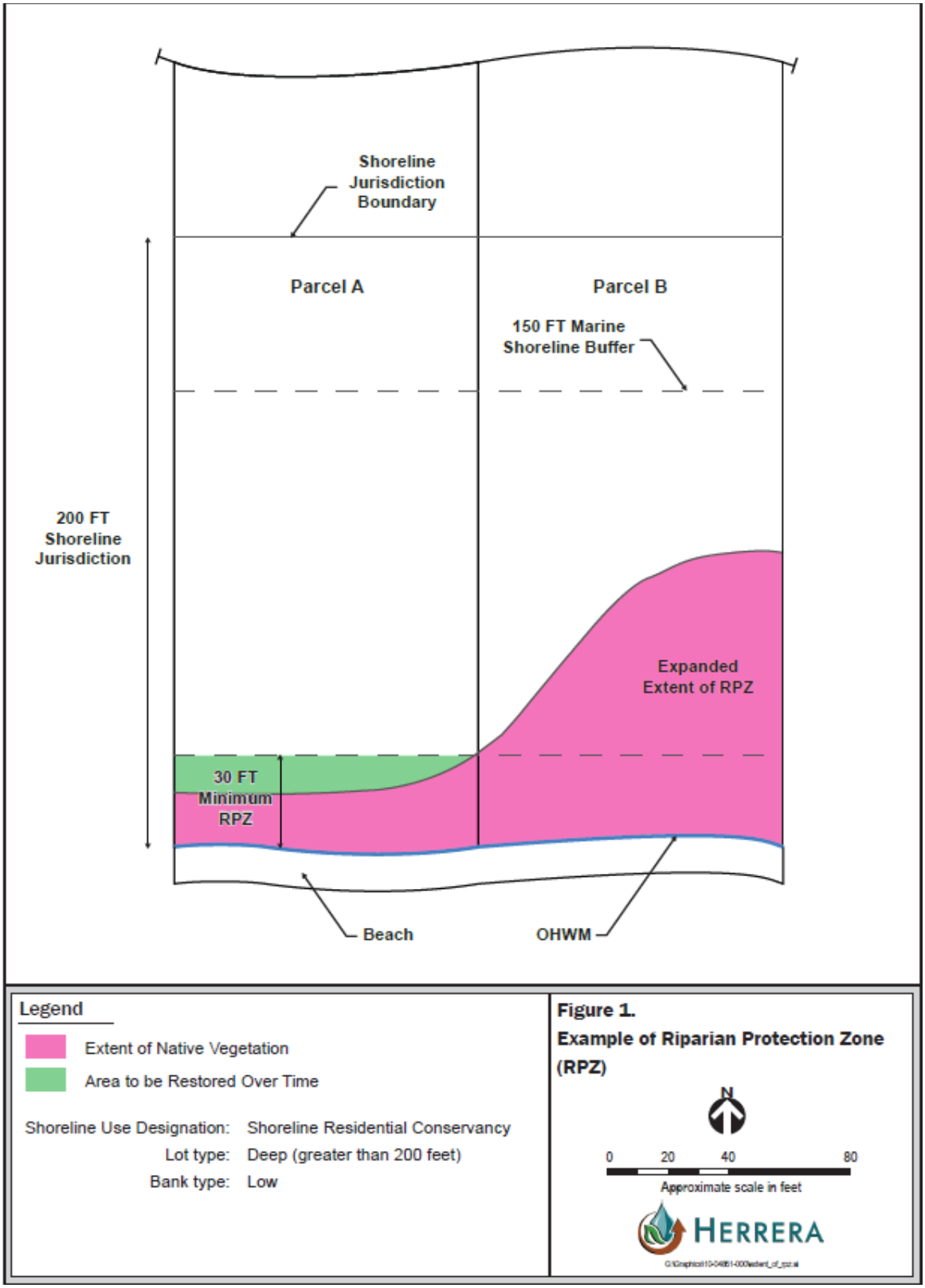
Marine Shoreline Buffer and Riparian Protection Zone Recommendations

City of Bainbridge Island shorelines are predominantly developed (over 82 percent [Battelle 2003]) which limits the City's ability to require wide buffers that are protected through regulation as conservation areas. Therefore, our recommendations have focused on protecting intact riparian habitat by limiting uses within this ecologically important zone, allowing for a less restrictive marine shoreline buffer landward of the riparian area that would protect the RPZ as well as provide some buffer functions; and by suggesting the City provide regulatory thresholds and landowner incentives to restore native riparian habitat whenever possible. In addition, the recommendations are informed by the City's desire to limit the number of non-conforming structures therefore, existing distances to residential structures from the shoreline are considered. These agreements and assumptions are described in *Agreed Principles* on page 8 and *Buffer Assumptions and Recommendation* on page 10.

We recommend that in areas with existing properly functioning riparian habitat, the RPZ would be a minimum of 30 feet but it could extend up to the full width of a standard marine shoreline

buffer if intact native riparian vegetation were present. This recommendation is based on the minimum area necessary to achieve a measure of riparian functions including protecting water quality, and providing shade, microclimate moderation, LWD, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010). Any areas not comprised of intact native riparian vegetation would be limited by the provisions of a standard marine shoreline buffer for the shoreline use designation. In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ zone and, as parcels meet re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designations, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in these areas and their absence of existing development.

Figure 1 illustrates two typical parcels (for this example, they are located within a Shoreline Residential Conservancy use designation) where intact native vegetation varies between 20 feet and 95 feet. For these parcels, the RPZ would range from 30 to 95 feet. In the area currently lacking native vegetation within the 30-foot minimum RPZ, landowners would be required through mitigation, or encouraged through incentives to restore native plant species as described above. In cases where riparian habitat is restored such as to provide mitigation for development impacts or in response to Shoreline Restoration Plan recommendations, such activities could potentially provide the City with no net loss of shoreline ecological functions and potentially a net gain.


Shoreline Jurisdiction Boundary
Parcel A
Parcel B
150 FT Marine Shoreline Buffer
200 FT Shoreline Jurisdiction
Expanded Extent of RPZ
30 FT Minimum RPZ
Beach
OHWM
Legend
Extent of Native Vegetation
Area to be Restored Over Time
Shoreline Use Designation: Shoreline Residential Conservancy
Lot type: Deep (greater than 200 feet)
Bank type: Low
Figure 1.
Example of Riparian Protection Zone (RPZ)
N
0 20 40 80
Approximate scale in feet
HERRERA

Marine shoreline buffers are recommended to be specific to each shoreline use designation and to be as wide as possible to provide as much protection as is feasible with consideration of existing structure setbacks from the shore.

Agreed Principles

Following is a list of other generally agreed on principles:

1. The ability of a buffer to provide multiple functions and benefits is closely linked to its width, although other factors such as topography, slope, vegetation (type and condition), soil type, and buffer management also determine its effectiveness. In general, wider buffers are more protective of nearshore resources.

2. Buffers widths could be established on each reach or within a management area based on site-specific characteristics. The type and condition of riparian vegetation (coverage of native forest and shrubs) or upland topography (high bluff/low bank) will guide the buffer width as well as adjacency to important ecological features such as marshes, lagoons, and spit / barrier / backshores. Buffers on stable high bluffs could potentially be narrower than on low banks because the elevation difference is more protective of the nearshore. Other factors that could be considered include soil type, slope, degree of anthropogenic disturbance, and adjacent land uses.

3. Buffer widths can vary but should have a more protective inner zone such as the suggested RPZ that protects native riparian vegetation and could have a more permissive outer zone where decks, gardens, and some amount of impervious area is allowed potentially contingent on use of Low Impact Development stormwater management techniques.

4. The goal of the RPZ is to protect native vegetation to the extent possible, however limited water dependent uses would be allowed due to their intrinsic need to be in-water or at the water's edge.

5. Protection and restoration of the RPZ is also intended to provide habitat connectivity such that over time there would be long stretches of native riparian habitat along the City's shore. Therefore, where intact native vegetation is present wider buffers are recommended for some use designations.

6. The RPZ would allow for limited development, subject to a maximum of 300 square feet or 10 percent of the RPZ whichever is less, of structures per parcel related to water dependant uses such as boathouses, ramps, and stairways to the beach. In addition, one 4-foot wide trail would be allowed

for beach access. Structures or trails exceeding those thresholds would require a variance.

7. While there will be prescriptive standards, flexibility will be achieved by a marine shoreline buffer range that considers different development conditions and uses, and by allowing an option for a qualified professional to prepare a "critical areas stewardship plan" similar to Jefferson County's SMP example.

8. Properties along the Aquatic Conservancy use designation would not be allowed to have reduced buffers.

9. Properties within a Natural Area use designation would be prohibited from any shoreline development in the RPZ except for one 4-foot wide trail for beach access.

10. When a project will result in impacts and require mitigation measures, the mitigation would include restoration of the native plant ecosystem. For example mitigation activities could include re-establishing native dune grasses, forests or other habitat communities, as natural conditions would warrant for the site.

11. Lots may be provided an exception to buffer standards (e.g., lots less than a certain depth where the combination of setbacks and typical building footprint would not allow for use of the property).

12. Buffer averaging allowing variable widths would provide flexibility and can be protective of nearshore functions and resources.

13. Existing developed properties with wider shoreline parcels would be allowed to have variable buffer widths (narrower in front of existing structures and wider when moving laterally from the building and perpendicular from the shoreline).

14. We note that critical saltwater environments are based on presence of primary species which means most if not all of the City shoreline areas need some level of nearshore habitat protection (based on WAC173-26).[3]

[3] **From 173-26 WAC:** Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect

Buffer Assumptions and Recommendations

To bracket the range of various buffer widths from the scientific literature, we considered the following:

- Existing development regulations
- Future land use
- The City's existing environmental buffers
- Existing shoreline character (physical & biological) and nearshore assets
- Recently adopted marine shoreline management plans from Puget Sound jurisdictions
- A review of the distance of existing residential structures from the OHWM (to consider the City's desire to limit the number of new non-conforming structures)

Table 1 shows the mean, median, and standard deviation of the distance between the ordinary high water mark (OHWM) and existing primary residential structures for each shoreline use designation as determined by a GIS analysis of 2009 aerial photographs of land cover on the City's shorelines (data provided by the City). These distances were used to identify typical existing conditions for each proposed use designation.

Table 1 also indicates the suggested RPZ and marine shoreline buffer widths for each proposed use designation that resulted from our review of scientific literature, the City's existing shoreline regulations, existing shoreline character, the distance of existing structures from the shoreline, nearshore assets, existing and future land uses, and discussions with City staff. A minimum and a maximum marine shoreline buffer is offered that would vary based on existing parcel conditions where shallow lots (lots less than 200 feet from the OHWM) or high bluff shoreline parcels would have narrower buffers and deeper lots (lots greater than 200 feet from the OHWM) or those with 65 percent coverage of native trees and shrubs within the RPZ, low banks, marshes, lagoons or spit / barrier / backshores would have wider buffer requirements. The table also distinguishes buffer requirements for developed lots versus undeveloped lots in the Shoreline Residential Conservancy use designation. Existing City regulations require a 115-foot buffer on estuarine wetlands. That requirement is recommended for developed lots in the Shoreline Residential Conservancy use designation in order to reduce the number of non-compliant structures, and it is expanded to 150 feet for undeveloped lots in order to advance shoreline protection when future development occurs.

Figure 2 illustrates an example configuration of the RPZ and marine shoreline buffer for a parcel with low bank waterfront, 65 percent canopy cover, and a Shoreline Residential use designation.

the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

The recommendations do not distinguish between water-oriented and non-water oriented uses. Allowances for water-oriented uses would be part of the formal code development process.

Table 1. Suggested Range of Riparian Protection Zones and Marine Shoreline Buffers by Use Designation.[a]

Existing Distances from Shoreline to Primary Residential Structures (use designations are **bold**)	Riparian Protection Zone (RPZ) (inner buffer zone)	Minimum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)	Maximum Standard Buffer (encompasses inner RPZ and outer marine shoreline buffer)
Urban Mean 59.8 feet Median 20.1 feet STD 72.1 feet	Minimum 30 feet from OHWM	Minimum 30 feet from OHWM [b]	30 feet from OHWM [b]
Shoreline Residential Mean 69.7 feet Median 60.2 feet STD 46.2 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots [c] or high bluff Standard Buffer: 50 feet from OHWM [b]	Condition: 65% coverage of native forest and shrub vegetation in RPZ [d], and low bank, or marshes, or lagoons, or spit / barrier / backshores Developed - Standard Buffer: 75 feet from OHWM Undeveloped - 75 feet from OHWM unless adjacent to Aquatic Conservancy then 150 feet
Shoreline Residential Conservancy Mean 88.2 feet Median 86.3 feet STD 55.9 feet	Minimum 30 feet from OHWM up to standard buffer width	Condition: Shallow lots [c] or high bluff Standard Buffer: 75 feet from OHWM [b]	Condition: 65% coverage of native forest and shrub vegetation in RPZ [d], and low bank, or marshes, or lagoons, or spit / barrier / backshores Standard Buffer: 115 feet from OHWM for developed lots 150 feet from OHWM for undeveloped lots
Island Conservancy Mean 144.9 feet Median 180.8 feet STD 62.9 feet	Minimum 50 feet from OHWM up to standard buffer width	Condition: Shallow lots [c] or high bluff Standard Buffer: 100 feet from OHWM [b]	Condition: Deeper lots [c], low bank, marshes, lagoons, spit / barrier / backshores Standard Buffer: 150 feet from OHWM
Natural Mean 145.3 feet Median 169.7 feet STD 53.8 feet	Minimum 100 feet from OHWM up to standard buffer width	Condition: High bluff Standard Buffer: 200 feet from OHWM [b]	Condition: Low bank or feeder bluff, marshes, lagoons, spit / barrier / backshores Standard Buffer: 200 feet from OHWM [b]

[a] The suggested minimum and maximum buffers are based on existing distances to residential structures from the shoreline in addition to science-based recommendations for shoreline and nearshore protection. The suggested ranges could be refined further based on additional GIS based analysis of City shoreline conditions.

[b] Or 50 feet from edge of geologic hazard; whichever is greater.

[c] Shallow lots measure 200 feet or less from the OHWM and deeper lots measure greater than 200 feet from the OHWM.

[d] 65 percent coverage of native forest and shrub vegetation in the RPZ based on the 2009 aerial image or an approved clearing permit since 2009.

Figure 2. Example Configuration of RPZ in Relation to Marine Shoreline Buffer.

8.5x11

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ATTACHMENT A

Current Marine Shoreline Buffer Requirements and Allowed Buffer Uses in the City of Bainbridge Island

Current Marine Shoreline Buffer Requirements and Allowed Buffer Uses in the City of Bainbridge Island

16.20.130 Fish and wildlife habitat conservation areas:

C.1. Development standards for marine critical areas are defined in the city's shoreline master program, Chapter 16.12 BIMC and are summarized in SMP Table 4-2 below.

SMP Table 4-2. Use-related Development Standards Matrix from Chapter 16.12 BIMC.

Key (See Key in Table 4-1) of current SMP

	Upland Environments				
Development Standards	Natural	Conservancy	Rural	Semi-rural	Urban
Aquaculture					
Setback					
Water-dependent	N/A	0	0	0	0
Water-related	N/A	25	25	25	25
Nonwater-oriented	N/A	100	100	100	100
Upland	N/A	30	30	30	30
Boating Facilities					
Setbacks					
Accessory structures	N/A	50	N/A	50	25
Water-dependent	N/A	0	N/A	0	0
Dry moorage	N/A	N/A	100	100	100
Height Limits					
Dry Moorage	N/A	N/A	N/A	30	30
Buildings	N/A	N/A	20	20	20
Commercial					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	0	0
Water-enjoyment	N/A	N/A	N/A	50	25
Nonwater-oriented	N/A	N/A	N/A	50	50
Buildings	N/A	N/A	N/A	30	30
Forest Practices					
Native vegetation zone:	N/A	N/A	100	100	100
Industrial Development					
Native vegetation zone (from OHWM)					
Water-dependent	N/A	N/A	N/A	N/A	0
Water-related	N/A	N/A	N/A	N/A	25
Recreational Development					
Native vegetation zone					
Nonwater-oriented, general	N/A	200	200	200	100

Development Standards	Upland Environments				
	Natural	Conservancy	Rural	Semi-rural	Urban
Campsites, picnic areas, and related	N/A	50	50	50	25
Access roads, restrooms, and accessory structures	N/A	75	75	75	50
Parking	N/A	100	100	100	50
Golf course, playfields, intensive use areas	N/A	100	100	100	100
Residential Development (dwellings)					
Native vegetation zone	N/A	100	50	50	25
Transportation					
Native vegetation zone					
Trails	0	0	0	0	0
Water-dependent	N/A	0	0	0	0
Utilities (primary)					
Native vegetation zone					
Distribution lines	N/A	N/A	N/A	50	25
Buildings	N/A	N/A	N/A	50	25
Height Limits:					
Buildings, storage tanks, accessory uses	N/A	N/A	50	20	20
Distribution poles	N/A	N/A	50	30	30

Herrera Environmental Consultants, Inc.

Memorandum

To	Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager City of Bainbridge Island
From	Amanda Azous, Herrera Environmental Consultants
Date	August 31, 2011
Subject	Clarification on Herrera August 11, 2011 Documentation of Marine Shoreline Buffer Recommendation Discussions Memo

This memo is to provide further explanation of the scientific basis for the recommendation to the City of Bainbridge Island (City) that a minimum 30-foot Riparian Protection Zone (RPZ) be instituted as part of a dual-zone management system (provided in Herrera's August 11, 2011, memo to the City: *Documentation of Marine Shoreline Buffer Recommendations*). It is important to note that the RPZ is intended to be a subset of a regulated buffer (which is wider than 30 feet for all use designations except for Urban). The RPZ has the specific purpose of protecting existing intact native vegetation that is directly adjacent to the marine environment. The RPZ also provides a regulatory framework for restoring native vegetation to this zone as future development and re-development occurs, particularly where this zone has been degraded. Restoring native vegetation to this zone would help the City achieving its goal of no net loss of shoreline ecological functions over time.

The RPZ is intended to be more restrictive of uses and development than the remainder of the regulated buffer required in each use designation. Any disturbances or allowed activities within this zone would include mitigation that restores native vegetation within and/or adjacent to the RPZ to the extent feasible. The goal of regulating vegetation characteristics in the RPZ is to strengthen the functions provided by native vegetation in the portion of the 200-foot shoreline jurisdiction where the most benefit would accrue, which is the area directly adjacent to marine waters.

Scientific Recommendations for Marine Riparian Buffers

Both Battelle (2003) and Herrera (2011) review and discuss science-based recommendations for buffer widths to protect various shoreline functions. In general, the reviews found that the wider the buffer, the more effective it will be for protecting the marine environment. Nevertheless, in developed environments it is not always possible to prescribe the largest buffer one might find recommended in the literature. Both literature reviews clearly establish that buffers have a key role in protecting aquatic habitat and resources and both suggest that necessary buffer widths vary considerably depending on the site-specific functions and characteristics. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, the buffer required can vary from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Table 1 provides a summary of a number of studies that examined buffer requirements

that were reviewed for both documents, as well as for the August 11, 2011, buffer recommendations memo. The table indicates that suggested buffers are dependent on the function being protected as well as site-specific characteristics but that in general, the wider buffers are, the more effective they are in providing a diversity of functions. In addition, studies Herrera reviewed suggest that a narrower buffer, fully vegetated with native trees and shrubs, may perform more effectively than a wider buffer comprised of non-native landscaping and/ or lawn.

Table 1. Riparian buffers functions and width recommendations in the literature.

Riparian Function	Range of Buffer Widths (feet) to Achieve ≥ 80% Effectiveness and Literature Cited	Minimum Buffer Width (Approximate) Based on FEMAT Curve to Achieve ≥ 80% Effectiveness [a]
Water quality	16 ft: Schooner and Williard (2003) for 98% removal of nitrate in a pine forest buffer 1969 ft: Desbonnet et al (1994, 1995) for 99% removal 33 ft: Zhang et al. (2010) for 85% removal of nitrogen with trees (71% with mixed grass and trees) 33 ft: Zhang et al. (2010) for 98% removal of phosphorus with trees (69% with mixed grass and trees)	82 ft: sediment 197 ft: TSS 197 ft: nitrogen 279 ft: phosphorus
Fine sediment control	82 ft: Desbonnet et al (1994/1995) for 80% removal 299 ft Pentec Environmental (2001) for 80% removal 33 ft: Zhang et al. (2010) for 91% removal of sediment on 5% slope with grass and trees; 86% removal on 10% slope with grass and trees	82 ft: (sediment) 197 ft: (TSS)
Shade/Microclimate	56 ft: Belt et al 1992 IN Eastern Canada Soil and Water Conservation Centre (2002) for 90% effectiveness 125 ft: Christensen (2000) for 80% temperature moderation	121 ft (0.6 SPTH*)
Large woody debris	33 ft: Christensen (2000) for 80-90% effectiveness 328 ft: Christensen (2000) for 80-90% effectiveness	131 ft (0.65 SPTH*)
Terrestrial carbon source to nearshore food webs	16 to 328 ft: Bavins et al (2000)	80 ft (0.4 SPTH)
Hydrology/slope stability	Consensus is that for steep slopes affecting critical areas such as feeder bluffs, a site specific analysis by a qualified professional is necessary to determine a specific buffer width.	Recommendations are based on protecting property and not critical areas. Buffers widths are provided for a range of slope conditions but do not consider underlying geology.

[a] FEMAT data in this table are based on Site Potential Tree Height (SPTH) equal to 200 feet.

Scientific Basis for 30-foot Riparian Protection Zone

Based on the significant variability in buffer recommendations, we endeavored to develop a strategy for the City that would, over time, improve the ecological functions within the current residential development pattern found along most of the City's shoreline (over 82 percent developed [Battelle 2003]), while also allowing for some flexibility for landowners to make use of the shoreline. Therefore, we focused on maintaining and restoring intact riparian habitat located directly adjacent to marine waters by designating it an RPZ, limiting uses within this ecologically important zone, and providing mechanisms and strategies for increasing native vegetation within and adjacent to the RPZ over time.

This minimum RPZ width of 30 feet is based on the ability to achieve 70 percent or greater effectiveness at protecting water quality, and providing shade, microclimate moderation, large woody debris, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010) (see Table 2). The remainder of the regulated buffer required for each shoreline designation augments the protection for ecological functions provided by the RPZ, and therefore provides added conservation strategies for protecting marine riparian functions and critical saltwater habitats. This dual-zone management system described in Herrera's August 11, 2011, memo and illustrated in Figures 1 and 2 within that memo, works together to increase the functions typically provided by a single standard marine shoreline buffer through conserving and, over time, adding native vegetation in the most critical zone of the buffer.

Table 2. Approximate effectiveness provided by 30-foot RPZ (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010).

Function	Percent Effectiveness within 30 Feet of OHWM	Comment
Water quality maintenance	71 - 98	Assumes trees or mixed grass and trees
Fine sediment control	86 - 91	Assumes trees or mixed grass and trees
Shade and microclimate moderation	100	Trees and other over-hanging vegetation must be present on the shore.
Large woody debris	80 -90	Trees must be present on the shore
Terrestrial carbon source to nearshore food webs	80	Trees and other over-hanging vegetation must be present on the shore.
Terrestrial wildlife habitat	Unknown	Highly dependent on species of wildlife to be protected
Hydrologic based slope stability	Unknown	Highly dependent on specific site conditions

OHWM = Ordinary High Water Mark

An RPZ containing native trees and shrubs would promote the recruitment of organic matter, nutrients, and macroinvertebrate prey items to the marine environment which are reduced or absent when riparian vegetation is not present on the shoreline (Brennan et al. 2004; Sobocinski 2003; Williams et al. 2001). Detritus feeding organisms are often not able to adapt to the leaf fall patterns or the chemical characteristics of leaves from non-native plants, which is one reason

why shoreline vegetation should be native species for maximum effectiveness (Karr and Schlosser 1977). Native plant species are adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species adjacent to the shoreline helps maintain water quality. Also, trees located close to the shore, form and maintain habitat complexity by stabilizing banks and contributing large wood to the aquatic environment.

Another important protection feature is that the RPZ would extend up to the full width of a standard marine shoreline buffer wherever intact native riparian vegetation were present but would be a minimum of 30 feet.

In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ and, as parcels met re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designation, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in the areas within this shoreline designation and their absence of existing development.

In summary, the 30-foot RPZ is a subset of a dual-zone system, intended to preserve existing native trees and shrubs, and restore them when possible, to increase their presence adjacent to the shoreline and protect important shoreline functions. This strategy will provide opportunity to significantly improve over time shoreline functions over existing City conditions, where degradation exists or continues to occur. The implementation of the RPZ as a component of a regulated buffer will allow the City to effectively stem the loss of shoreline resources due to loss of native shoreline vegetation and, in conjunction with regulations addressing activities allowed in the remainder of the regulated buffer, assist the City with meeting its goal of no net loss of shoreline ecological functions.

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Appendix D

Single Family Residence Mitigation Manual

Appendix E

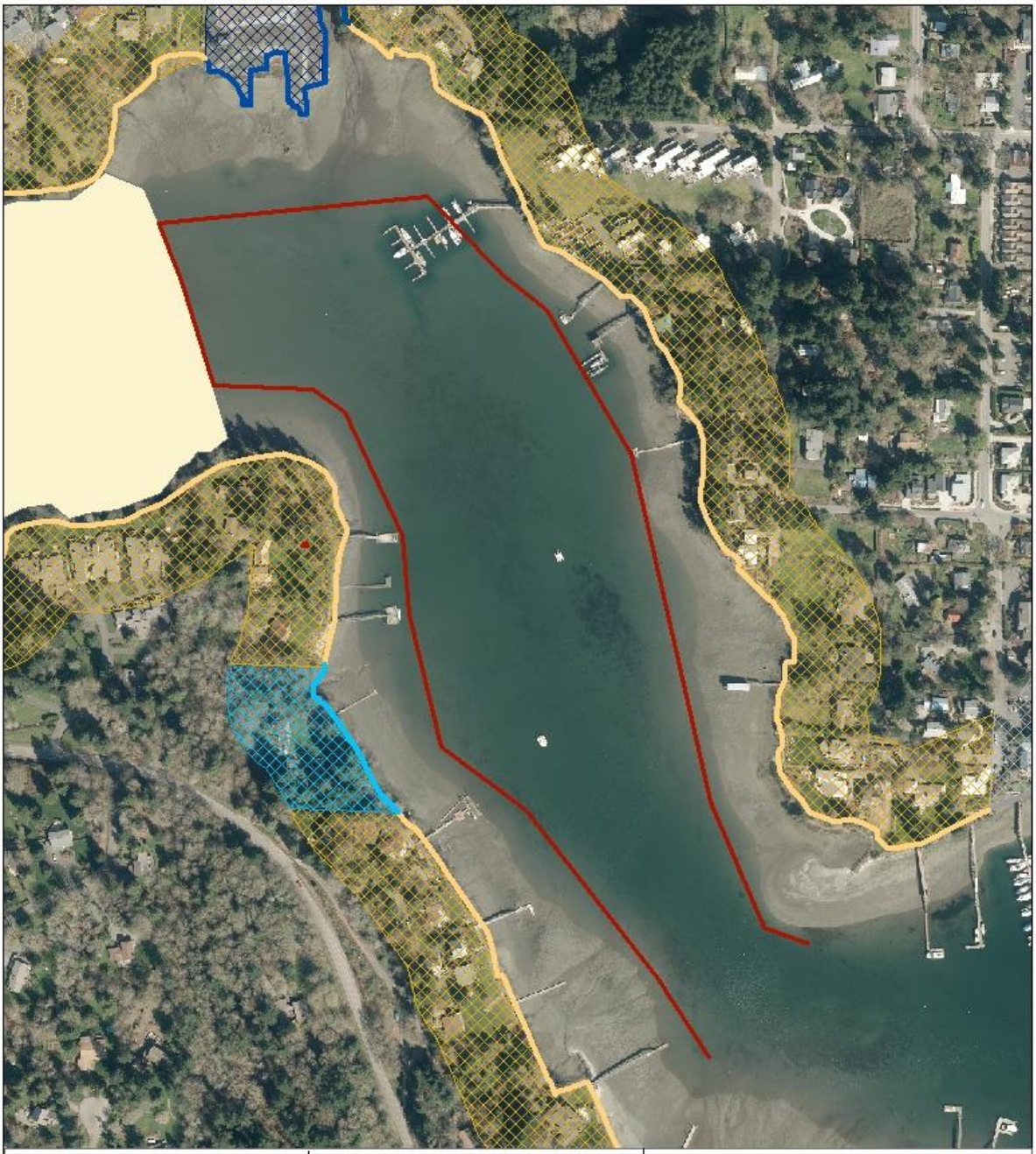
Special Area Maps



Port Madison
Harbor Structure Line

N

200 100 0 200 Feet



Eagle Harbor
Harbor Structure Line

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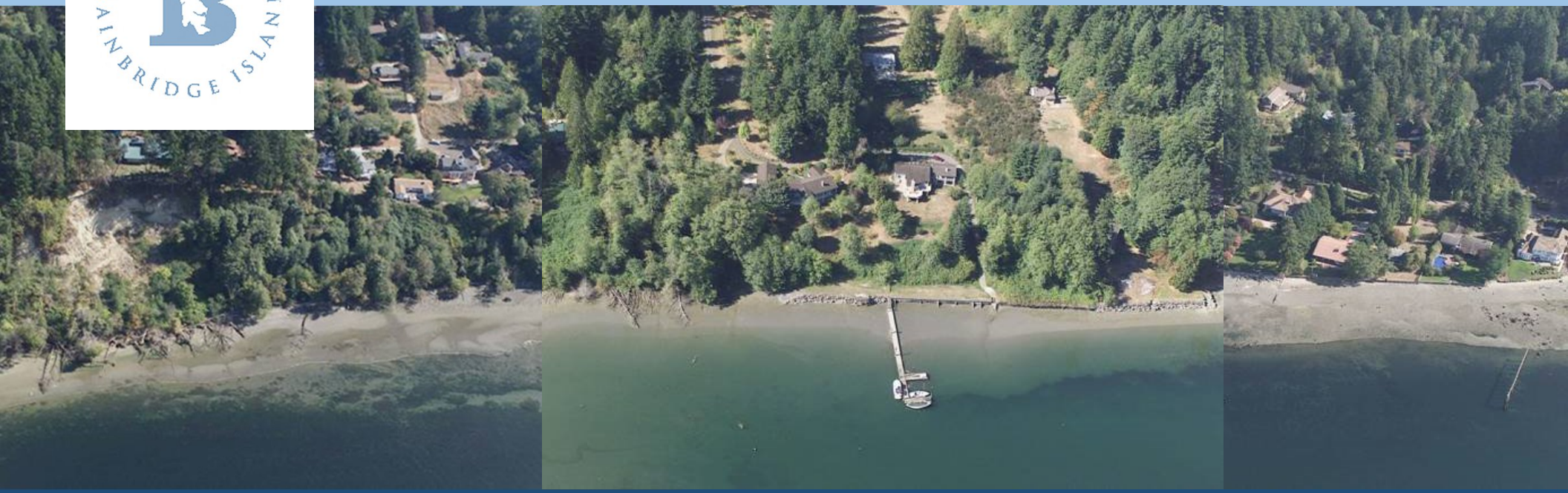
200 100 0 200 Feet



Point Monroe Distirct Shoreline Stabiliztion Areas

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200 100 0 200 Feet



SMP Amendment
Critical Areas and Nonconforming Structures, Uses, and Lots

City Council Meeting

October 2, 2018

What is a SMP amendment?

- Local governments at times decide to amend their Shoreline Master Programs to address a change in local shoreline conditions, the comprehensive plan or zoning, or improved data.
- Clean up or housekeeping amendments are anticipated after comprehensive updates.
- Shoreline amendments must be approved by the local elected officials and submitted to Ecology for approval.
- The current regulations remain in effect until the amendment is approved by Ecology.

What is the purpose of this amendment?

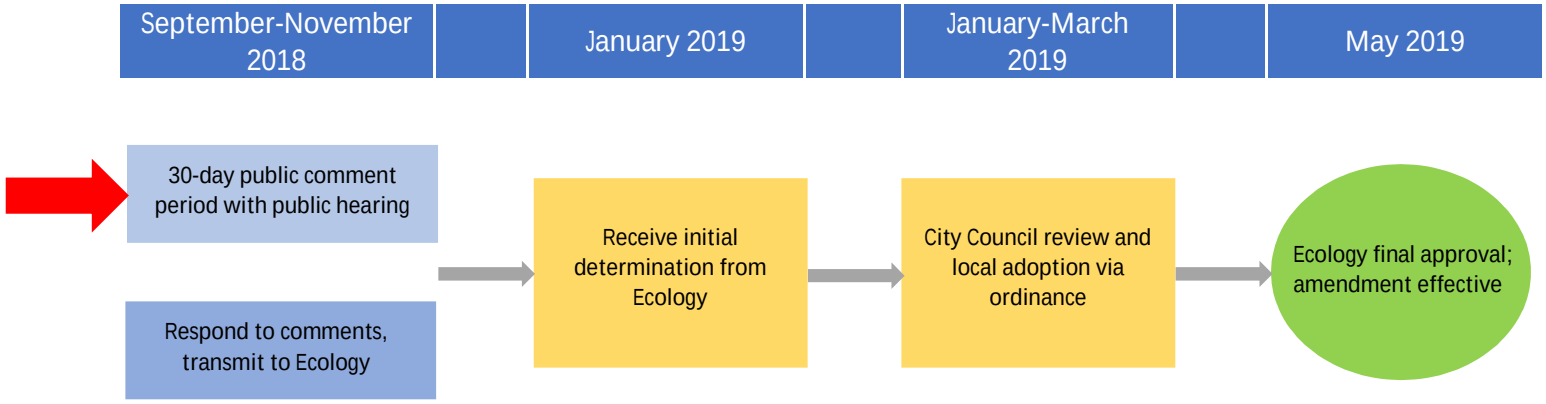
The purpose of the amendment is limited generally to two topics:

- Integrate recently updated critical areas regulations
- Address nonconforming structures, uses, and lots *to improve clarity of allowed actions (e.g., rebuilding) of all nonconforming structures and specific allowances for expansion of single-family residential primary structures.*
- Other topics cannot be added to the amendment at this time but can be included in a future amendment. The addition of any topic not included in the amendment will require a new public review process (30-day public comment period and public hearing).

Where are we in the process?

- Amendments must be developed consistent with the requirements of WAC 173-26-110.
- City is participating in the optional joint local/state review process – only one public hearing and one 30-day public comment period required.
- Required public process completed in June; second public process complete at end of 30-day public comment period on October 10.

Where are we in the process?



Next steps:

- Make changes to draft amendment based on public comments and City Council direction
- Transmit to Ecology for initial determination
- Council will consider amendment again after Ecology review

CRITICAL AREAS

Why not just keep the existing critical areas regulations?

- The updated regulations provide greater protection for critical areas and better reflect the goals and policies of the Comprehensive Plan.
- Integrating updated regulations will relieve staff and the public from navigating two sets of regulations (e.g., referencing the correct set, using the correct application, recognizing different standards, permit types, and review requirements).
- Critical areas regulations in the existing SMP largely date from 2006 – the last time the City's CAO was comprehensively updated.
- Critical areas regulations in the existing SMP (Section 4.1.5 and Appendix B) would benefit from revisions to improve clarity, readability, and consistency with the SMA.

What's changing?

- First, what's not changing?
  - The existing SMP includes critical areas regulations. The SMP amendment is simply updating these regulations to reflect the City's recent CAO update.

- Major housekeeping effort – Eliminate Appendix B: reduces redundancy and internal conflict

- Changes in SMP are same changes made during CAO update

What's changing?

General

- Staff site visit required for all land use applications with critical area
- Use of precautionary principal and mitigation sequencing required in review
- Review required for some allowed activities (e.g., trails, "interrupted buffer")

Critical Aquifer Recharge Areas

- Aquifer recharge protection area (ARPA) requirement in the R-0.4, R-1, and R-2 zoning districts

Streams

- Buffer widths are increased for most stream types

What's changing?

Geologically Hazardous Areas (Steep Slopes)

- Standard setback requirement changed from height of slope or 50 feet, whichever is greater, to height of slope only up to maximum of 75 feet or as determined by assessment
- New range of factors of safety for non-habitable structures and other uses/activities

Wetlands

- No exemption for small wetlands
- Updated methods and categories based on current state and federal guidance
- Specific requirements for delineations, including when required, how recorded, and 5-year timeline

Winslow Ravine

- More restrictions on what is allowed in buffer

NONCONFORMING STRUCTURES, USES, AND LOTS

What is nonconforming?

SMPs, like zoning codes, have typically categorized existing uses and structures that are not consistent with current regulations as “nonconforming” development.

A nonconforming structure, use or lot was lawfully established but does not comply with current regulations.

Many existing structures within the shoreline jurisdiction became nonconforming with the adoption of the City’s 2014 SMP update because of new regulations.

What is nonconforming?

...Okay, but nonconforming to what?

- Structures can be nonconforming to one or more regulations

A common example along shorelines is a single-family residence that does not meet current dimensional standards. In these cases, the use is consistent with the shoreline regulations, but the structure does not meet one or more standards in the existing regulations.

- Location within shoreline buffer
- Height
- Shoreline structure view setback
- Shoreline side yard setback

Piers and docks that are larger than the current regulations allow also are examples of nonconforming structures.

Existing Shoreline Buffer Requirements

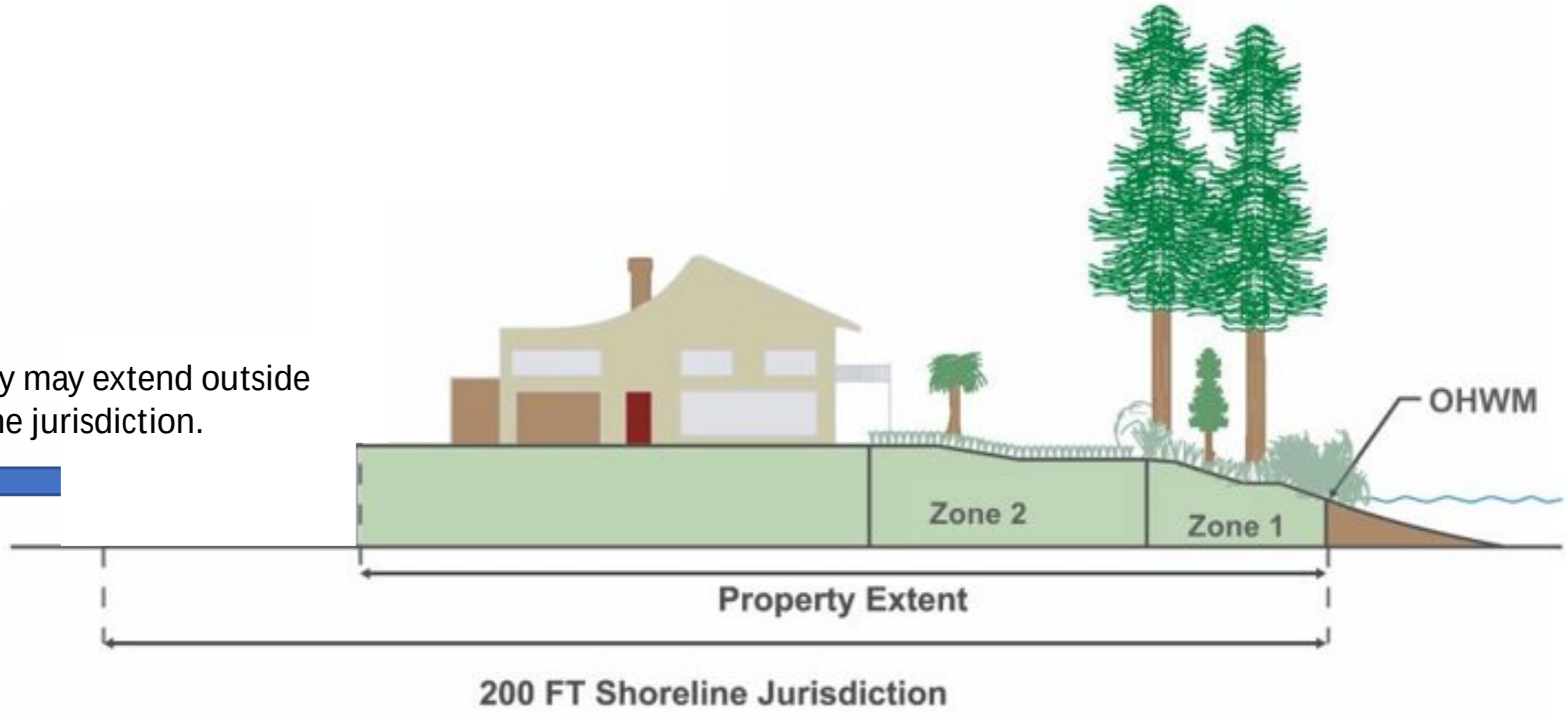
Many residential structures are nonconforming to the shoreline buffer requirement.

Table 4-3 Shoreline Buffer Standards Table

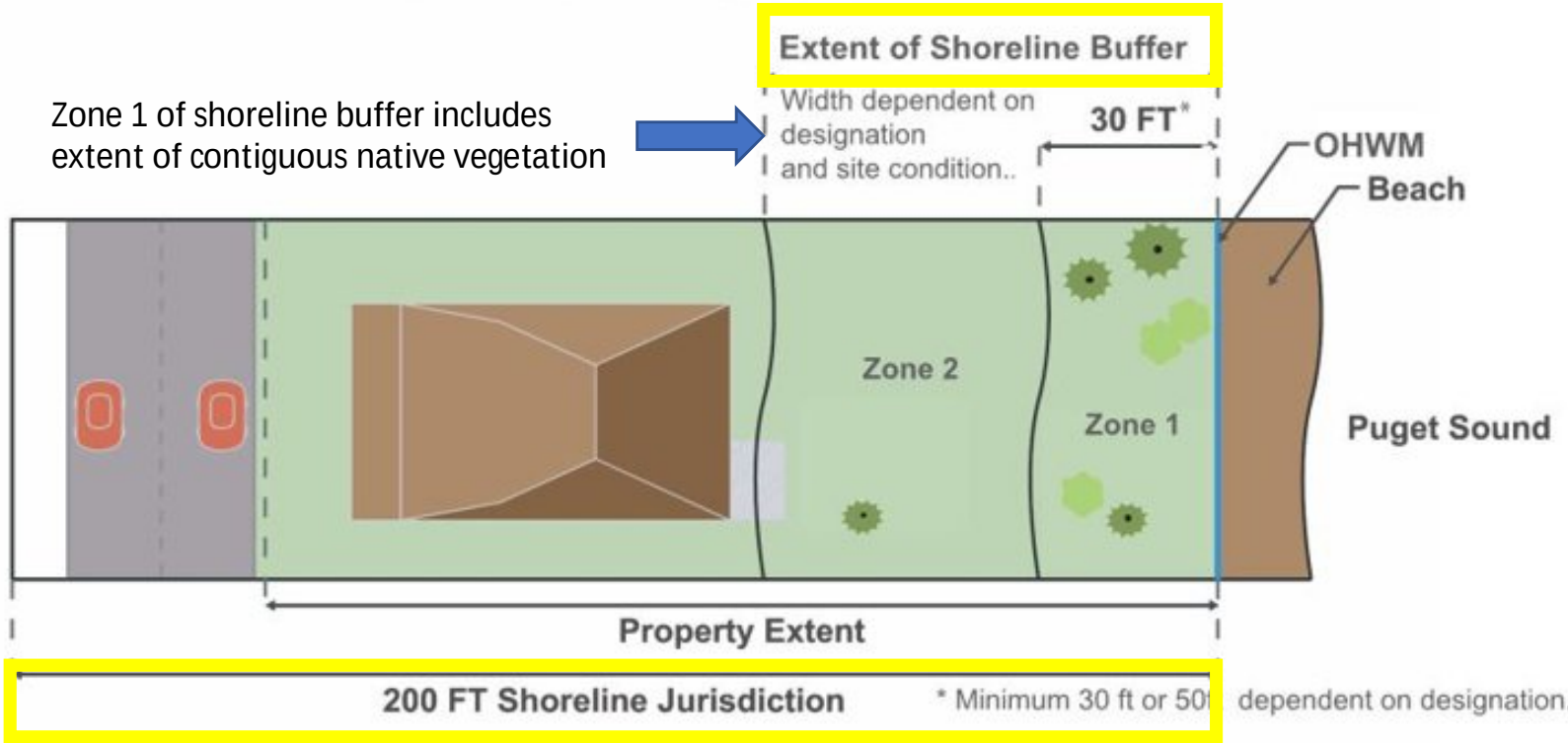
Additional

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

Property may extend outside shoreline jurisdiction.

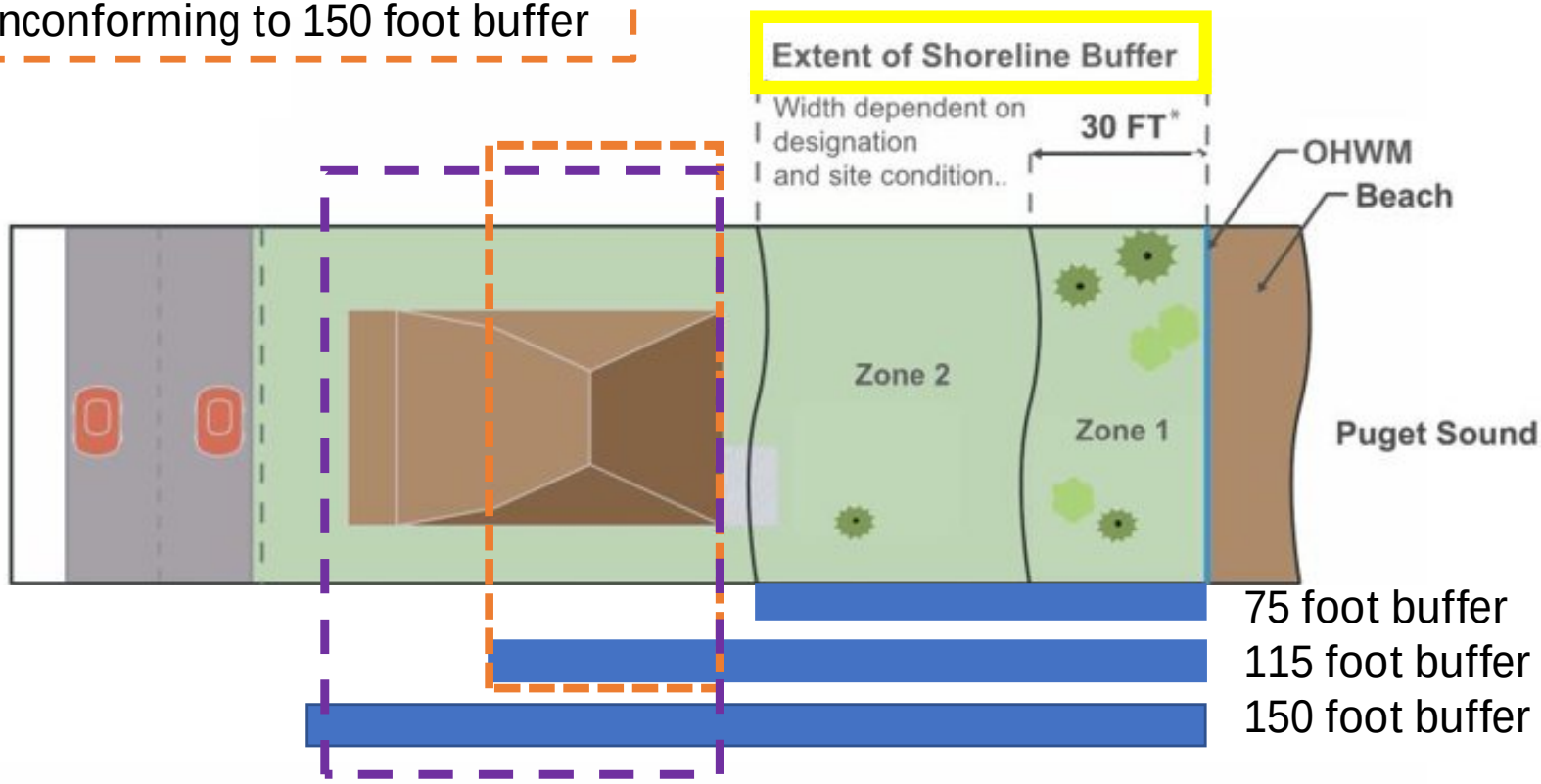


Zone 1 of shoreline buffer includes extent of contiguous native vegetation



Nonconforming to 150 foot buffer

Nonconforming to 150 foot buffer



What is nonconforming?

...Okay, but nonconforming to what?

- Uses are nonconforming with the "Shoreline Use and Modification Table"
    - If use is listed in table as "X" – Prohibited Use, then an existing use of that type is nonconforming
- Lots are nonconforming if they do not meet current dimensional standards (zoning code)
    - Basically, small or skinny lots
    - Lot area (size in square feet)
    - Depth and width

What are the existing rules?

There are different regulations for different types of structures:

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

What are the existing rules?

There are different regulations for different types of demolition:

Intentional demolition
(you tear it down)



Not clear:

- Can you rebuild?
- If so, how much?

Unintentional destruction
(fire, earthquake, etc.)



Clear: You may rebuild



Focus of amendment

What's changing?

- Nonconforming term

- Primary residential structure
- Accessory residential structure
- Essential accessory residential structure
- Multifamily structure
- Commercial and industrial structure
- Aquatic structure (piers, docks, floats)

- Nonconforming uses
- Nonconforming lots

The major change is that structures may be rebuilt regardless of how they were taken down – either intentionally demolished or unintentionally destroyed.

The intent of the change is to align the regulations with the no net loss standard, which includes existing structures in baseline conditions.

The Planning Commission's recommended draft deletes this goal statement: "Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights."

What's changing?

- Nonconforming term

- Primary residential structures
- Accessory residential structures
- Essential accessory residential structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Nonconforming term

- The current SMP uses the term "existing development."
- This term is confusing because "existing" development may not be "nonconforming" development; additionally, "existing development" is not used consistently throughout the SMP.
- During the 2014 SMP update process, the Planning Commission recommended the use of the term "nonconforming;" however, the City Council subsequently changed the term to "existing development."
- The Planning Commission again recommends use of the term nonconforming since it is a long-standing and well-understood land use term.

What's changing?

- Nonconforming term

- Primary single-family residential structures
- Accessory single family residential structures
- Essential single family accessory residential structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Primary single family residential structure

- The Planning Commission is recommending that a nonconforming single-family primary structure can be rebuilt/reconstructed in the same footprint and to the same height existing immediately prior to either intentional demolition unintentional destruction.

- This is a change from how the SMP is currently implemented: A nonconforming single-family primary structure may be demolished up to 50 percent of its square footage and retain any portion of the footprint that is nonconforming. If the structure is demolished over 50 percent of its square footage, the new structure must be fully conforming with present regulations. This is borrowed from the zoning code for nonconforming structures.

- The proposed change would create nonconforming shoreline regulations that are more permissive than nonconforming zoning regulations.

What's changing?

Primary single family residential structure – expansion

- Existing SMP allows limited expansion:
  - Only once within lifetime of development
  - Only up to 25% of the existing footprint

- The Planning Commission is recommending that a nonconforming single-family primary structure can be expanded without any size limitations if certain criteria are met:
  - Expansion must be landward of original footprint
  - No enlargement or expansion in Zone 1 of shoreline buffer
  - Cannot significantly affect existing neighboring views

  Already in existing SMP

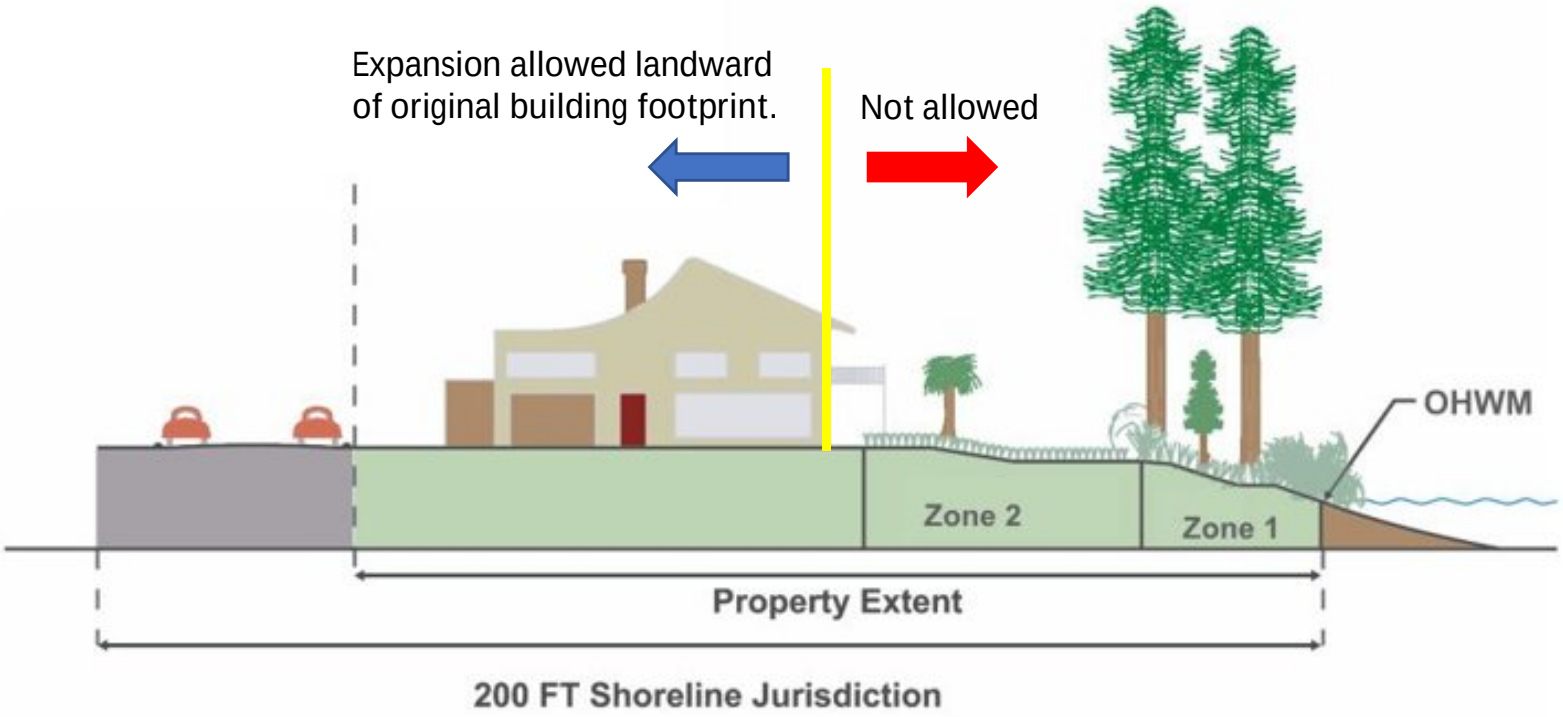
  - No removal of exceptional/landmark trees per BIMC 16.18
  - Significant tree removal may be allowed

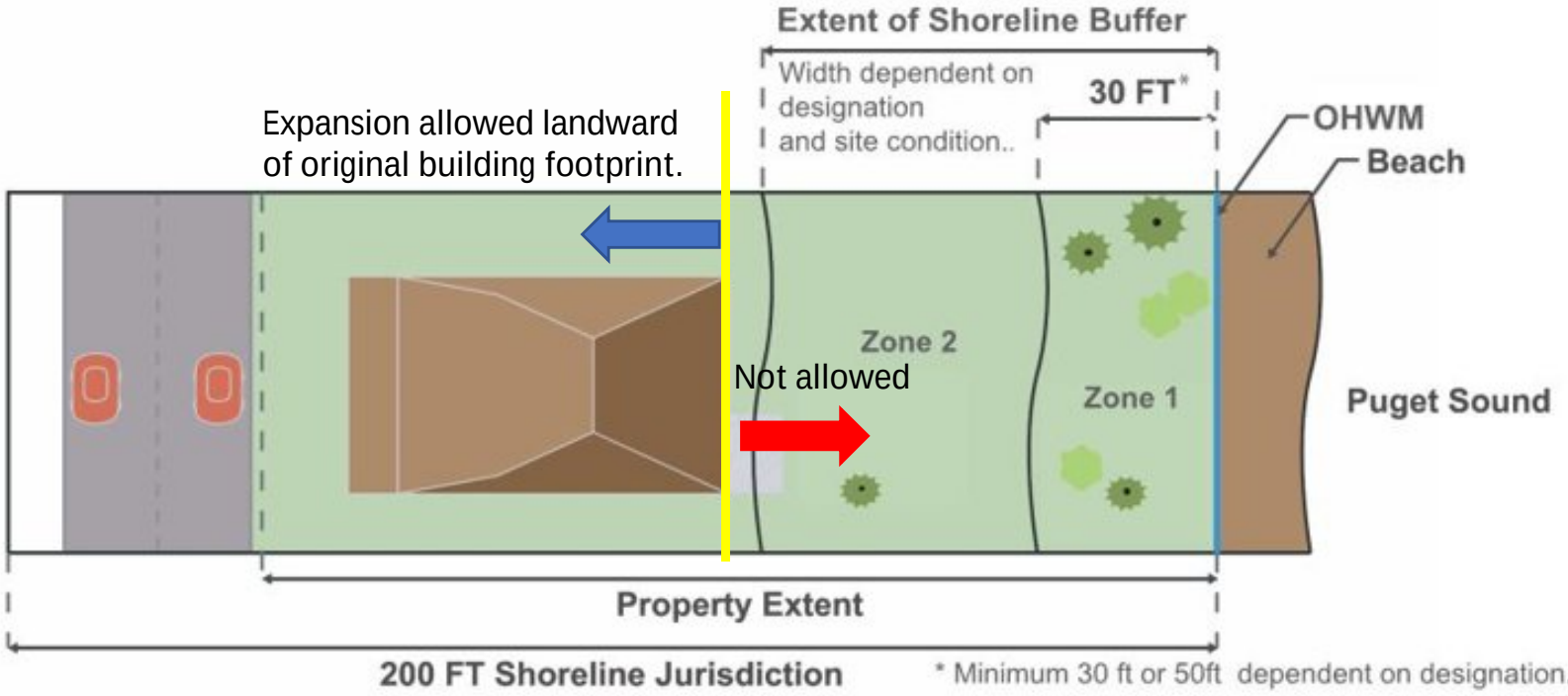
  Proposed changes

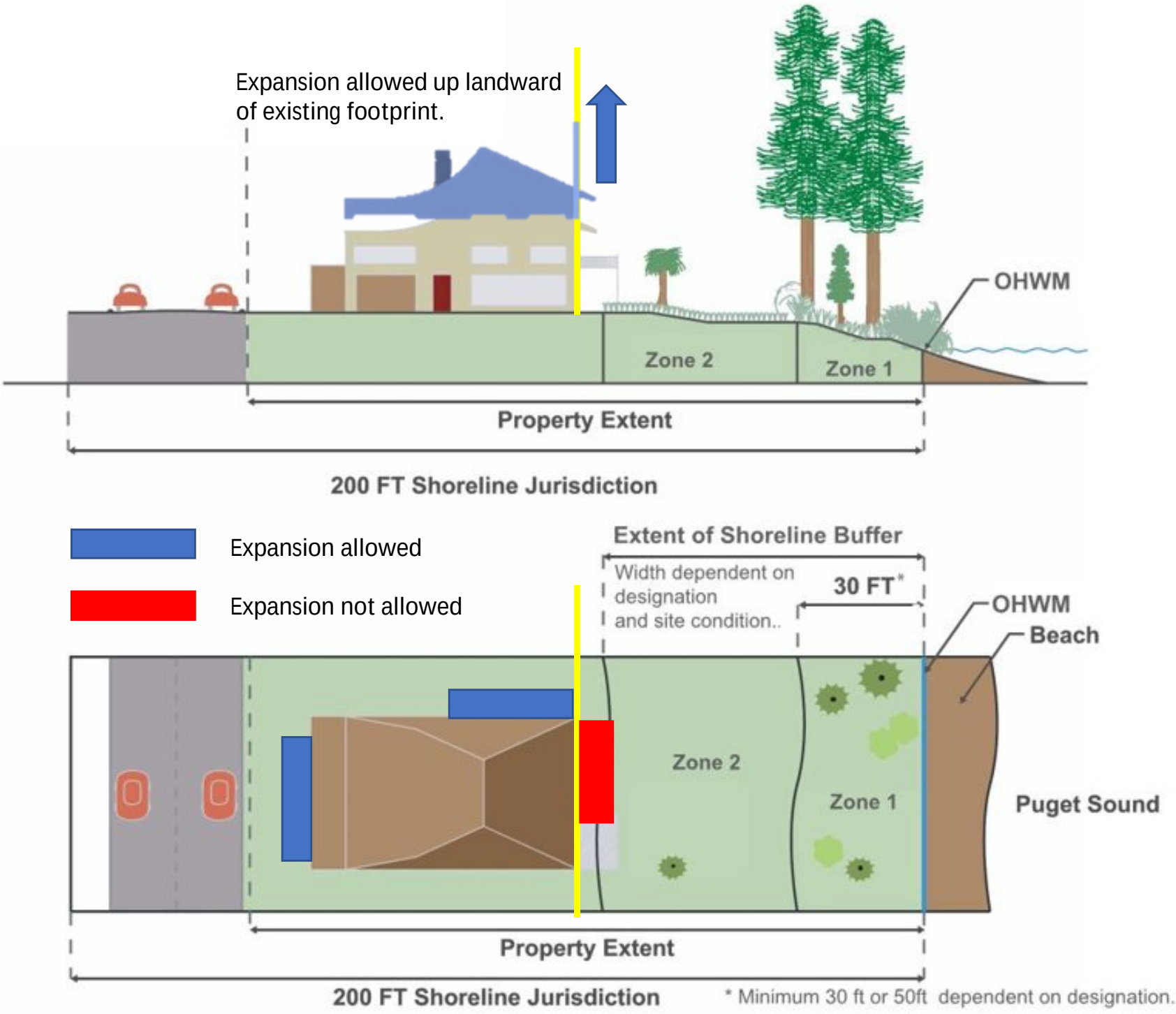
What's changing?

Primary single family residential structure – expansion

- Proposal up to a total of 4,000 square feet of existing and proposed hard surfaces requires shoreline exemption and use of mitigation manual
- Proposal over 4,000 square feet existing and proposed hard surfaces requires shoreline conditional use permit and site-specific impact analysis


Expansion allowed landward
of original building footprint.
Not allowed
OHWM
Zone 2
Zone 1
Property Extent
200 FT Shoreline Jurisdiction


Extent of Shoreline Buffer
Width dependent on
designation
and site condition..
30 FT*
Expansion allowed landward
of original building footprint.
OHWM
Beach
Zone 2
Not allowed
Zone 1
Puget Sound
Property Extent
200 FT Shoreline Jurisdiction
* Minimum 30 ft or 50ft dependent on designation.


Expansion allowed up landward of existing footprint.
OHWM
Zone 2
Zone 1
Property Extent
200 FT Shoreline Jurisdiction
Expansion allowed
Expansion not allowed
Extent of Shoreline Buffer
Width dependent on designation and site condition..
30 FT*
OHWM
Beach
Zone 2
Zone 1
Puget Sound
Property Extent
200 FT Shoreline Jurisdiction
* Minimum 30 ft or 50ft dependent on designation.

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Accessory single family residential structure

- The Planning Commission is recommending that a nonconforming single-family accessory structure can be rebuilt/reconstructed in the same footprint and to the same height existing immediately prior to the demolition/destruction.

- This is a change from how the SMP is currently implemented: A nonconforming single-family accessory structure may be demolished up to 50 percent of its square footage and retain any portion of the footprint that is nonconforming. If the structure is demolished over 50 percent of its square footage, the new structure must be fully conforming with present regulations. This is borrowed from the zoning code for nonconforming structures.

- The proposed change aligns nonconforming shoreline regulations with nonconforming zoning regulations.

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Essential single family residential accessory structure

- An accessory structure that contains a use or is intended for a use that is essential to a single family residential principal use:
  - a garage or carport
  - one septic system (including one tank and one on-site septic drainfield)
  - one well house and associated well head
  - existing decks attached to the primary structure

- Intended to be more restrictive for "non-essential" accessory structures to decrease nonconformities over time

- Deleted this term – all accessory single family residential structures treated the same

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Multifamily structure

- No changes – language clarification only

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Commercial and industrial structures

Intentional demolition: May be reconstructed only in conformance with all existing provisions (may result in smaller or reconfigured structure)

Unintentional destruction: May be constructed within existing footprint



- Demolished by any means may be reconstructed only in conformance with all existing provisions
- Nonconforming commercial structures used wholly for water-oriented uses may be reconstructed to the same footprint even if intentionally demolished

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Aquatic structures

- Changed term from "aquatic structures" to "overwater structures" for consistency
- Removed requirement for conditional use permit to reorient or alter for nonconforming docks, piers, floats, and buoys within same general location (only if results in greater consistency with SMP)
- Deleted "up to 50%" replacement provision for nonconforming overwater structures other than docks, piers, floats, and buoys
- Replacement of nonconforming overwater structures other than docks, piers, floats, and buoys may be replaced if such replacement is authorized as normal repair consistent with WAC 173-27-040(2)(b) -- *Essentially considers replacement to be repair*

What's changing?

- Nonconforming term

- Primary single family residential structures
- Accessory single family residential structures
- Essential single family residential accessory structures
- Multifamily structures
- Commercial and industrial structures
- Aquatic structures

- Nonconforming uses
- Nonconforming lots

What's changing?

Nonconforming uses

- No changes – language clarification only

Nonconforming lots

- Included critical area itself (instead of just critical area buffer) as something that results in an encumbered lot
- Language clarification

MISCELLANEOUS PROPOSED AMENDMENTS

What's changing?

Clarifying language related to:

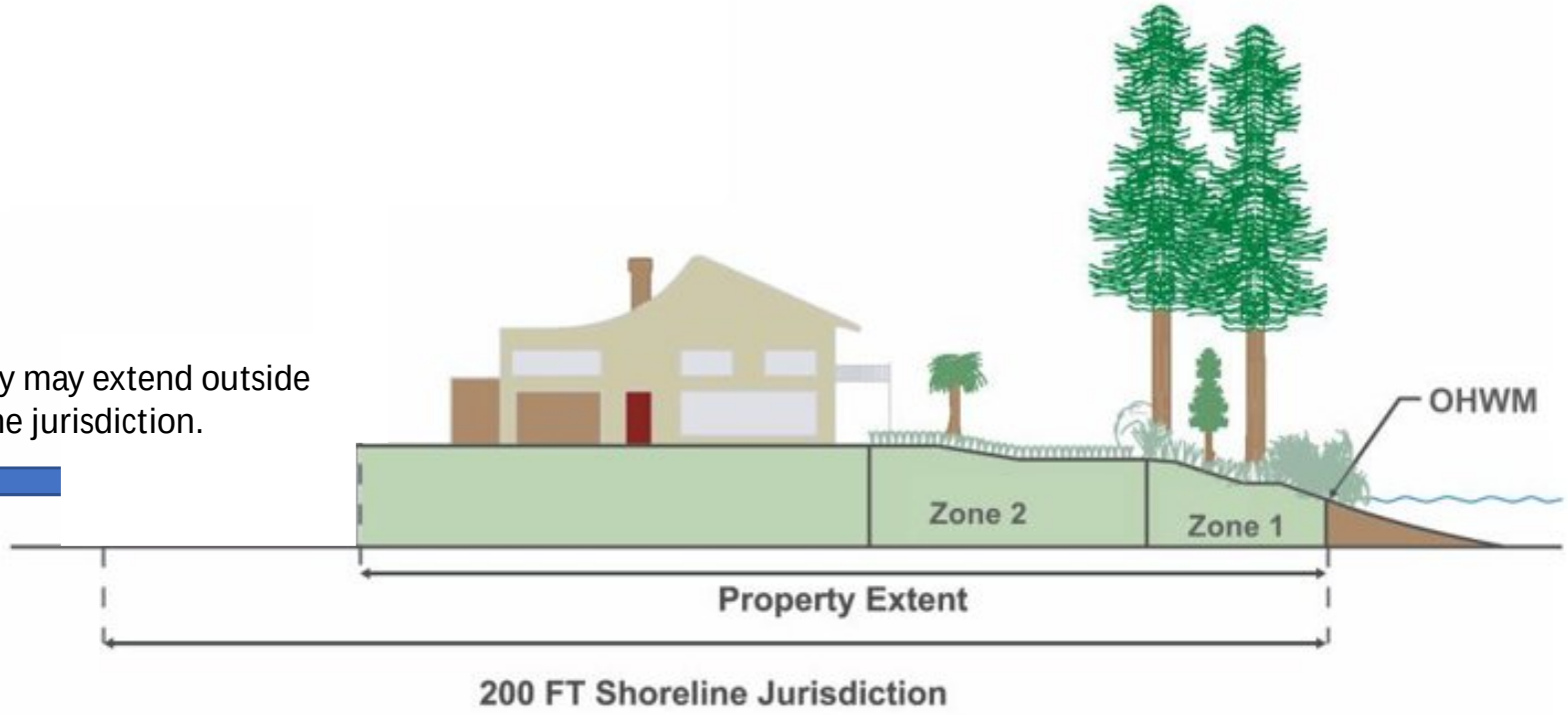
- Applicability
- What happens in the event of a conflict between regulations

These items were brought up via public comment and included in the amendment since they are somewhat related to nonconforming development.

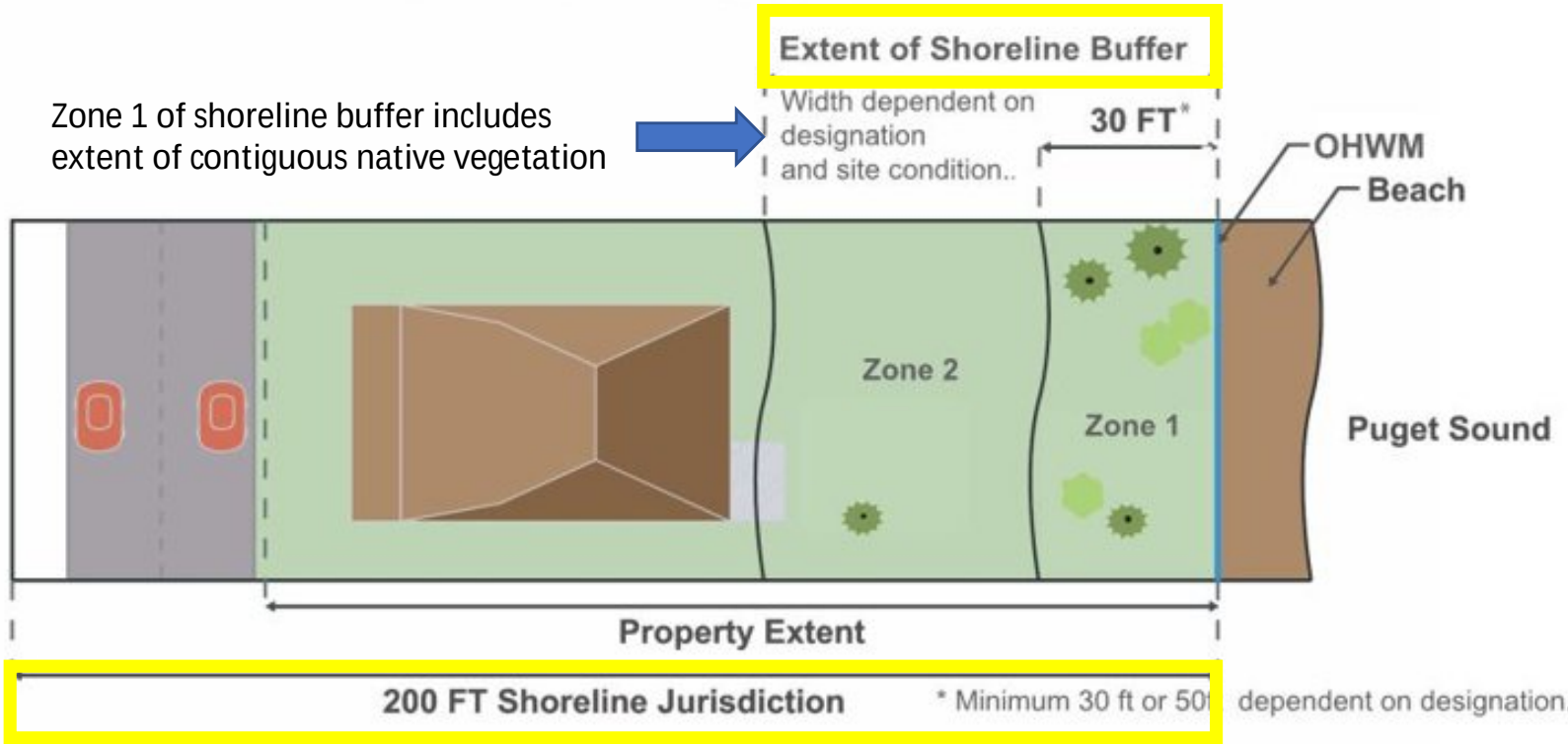
- Definitions
  - Select definitions revised to improve clarity
  - Critical areas regulations integrated; eliminated duplication

APPLYING THE ARPA IN THE SHORELINE

Property may extend outside shoreline jurisdiction.



Zone 1 of shoreline buffer includes extent of contiguous native vegetation



Existing Shoreline Buffer Requirements

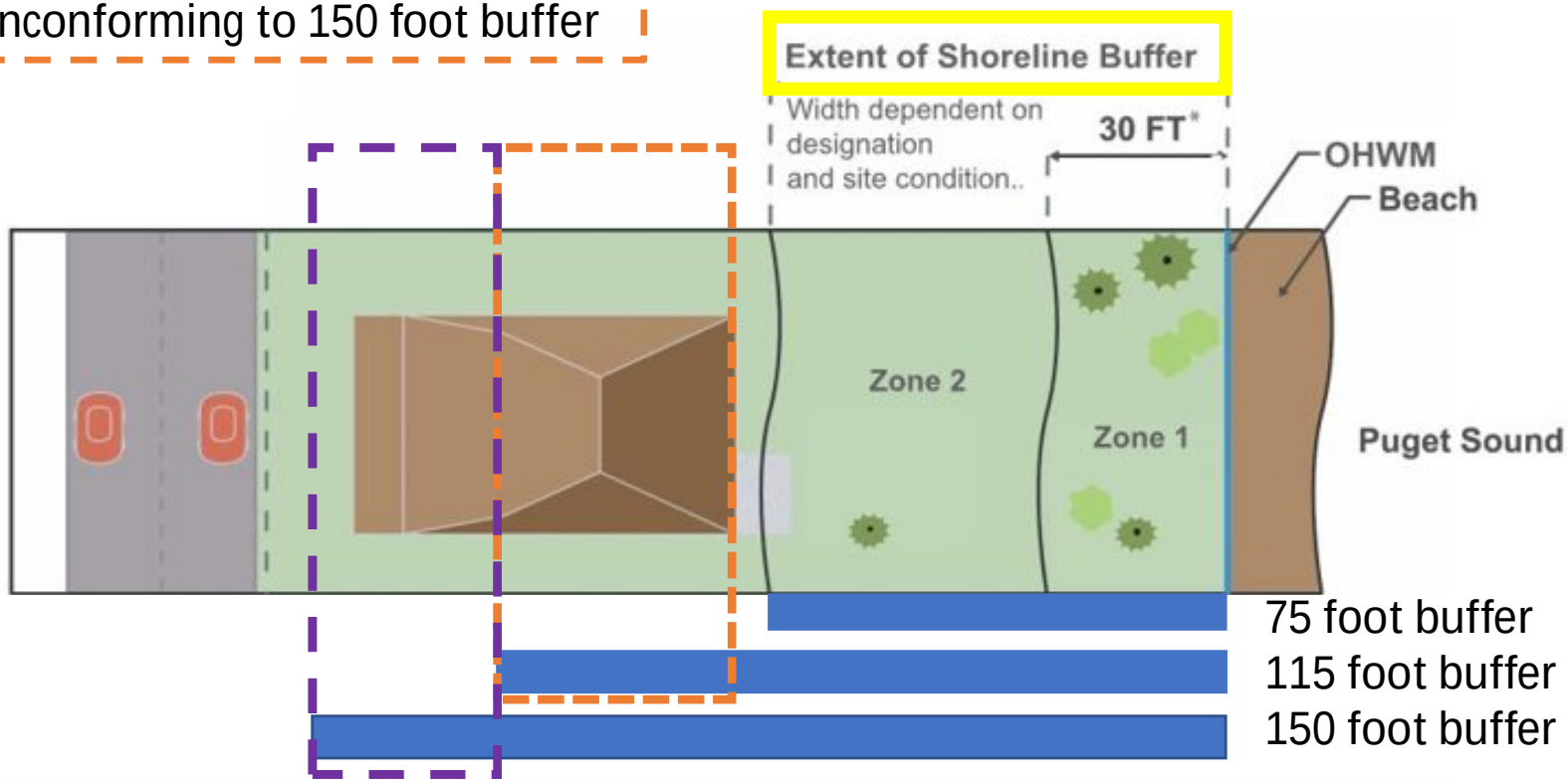
Table 4-3 Shoreline Buffer Standards Table

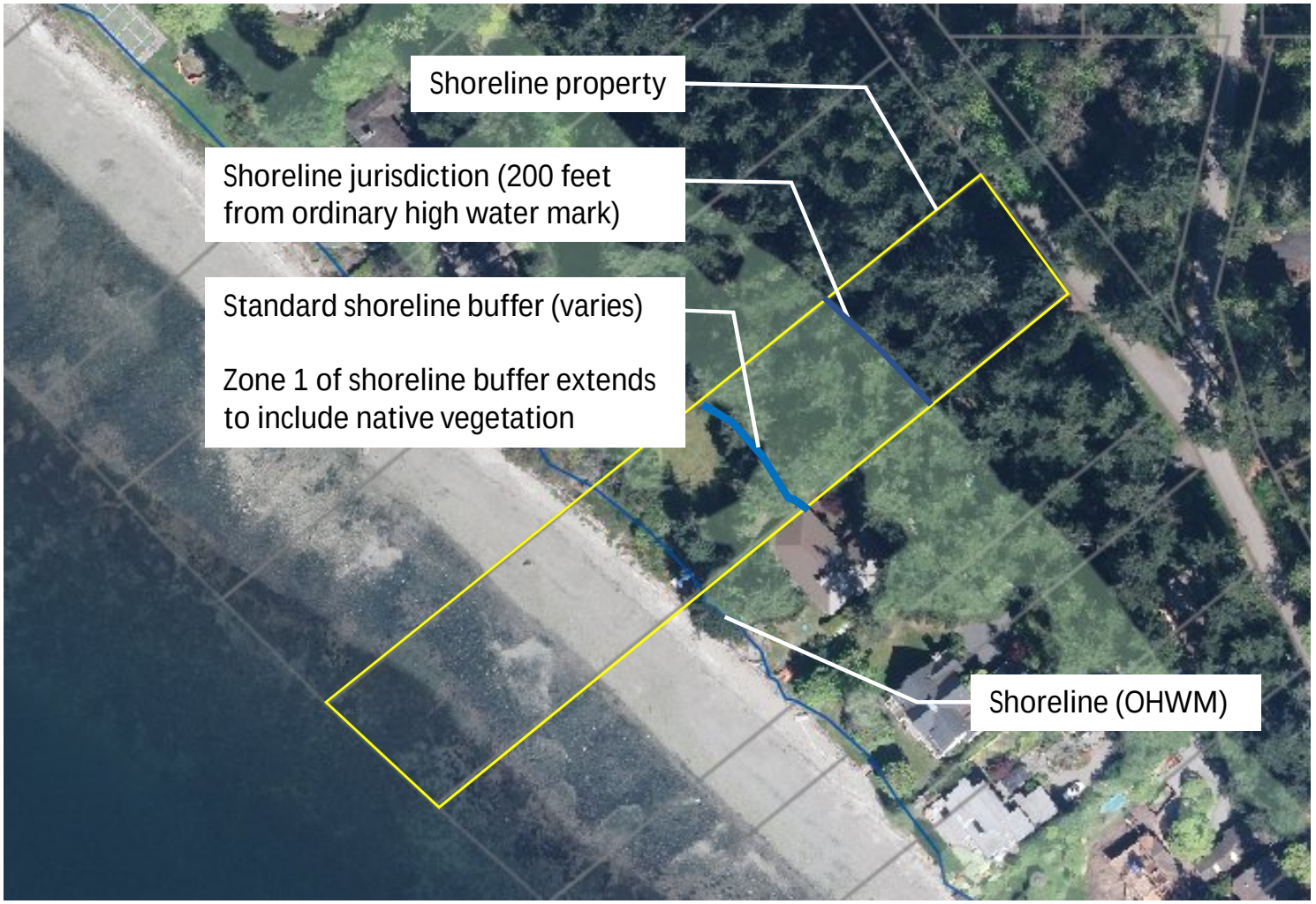
Additional Use restrictions for BIMC Titles 17 and 18 may apply

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

Nonconforming to 150 foot buffer

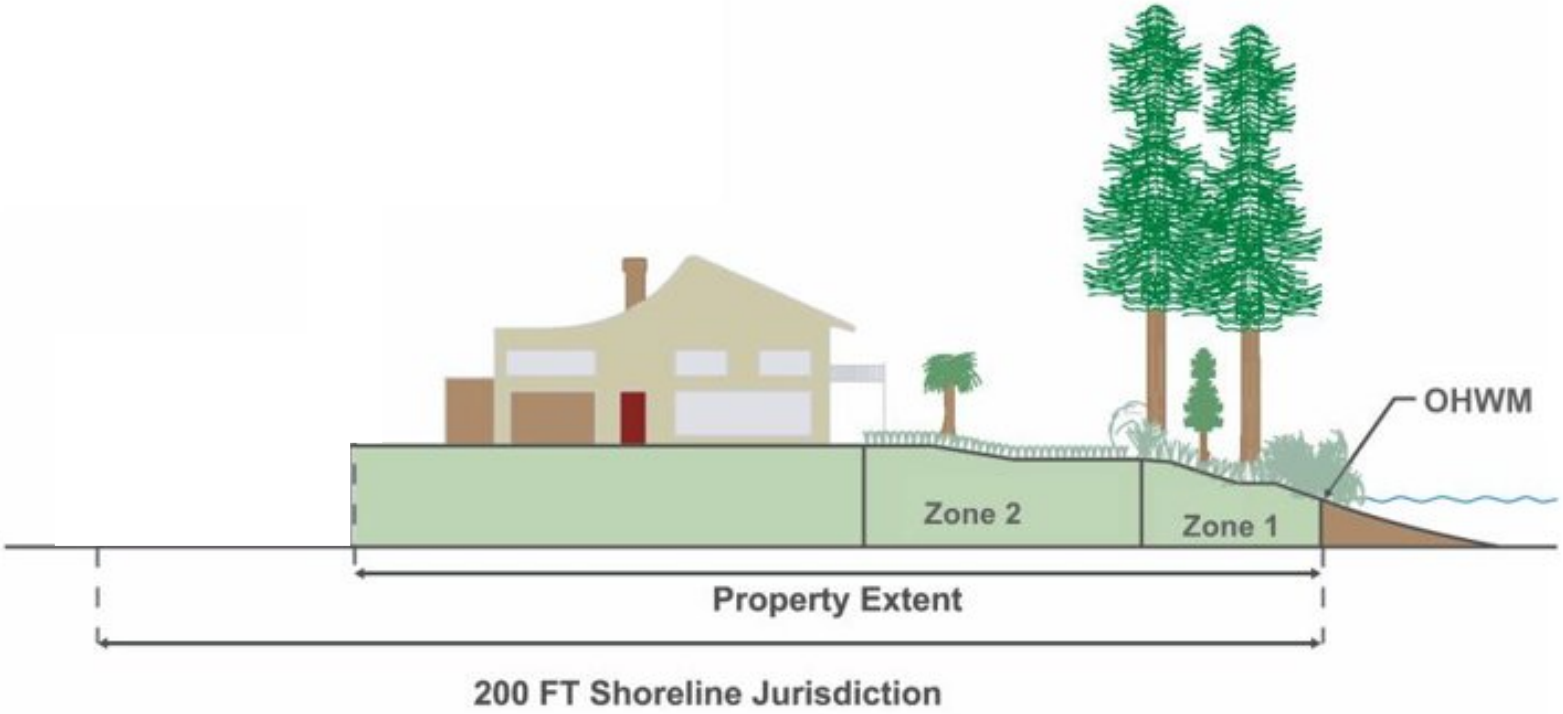
Nonconforming to 150 foot buffer



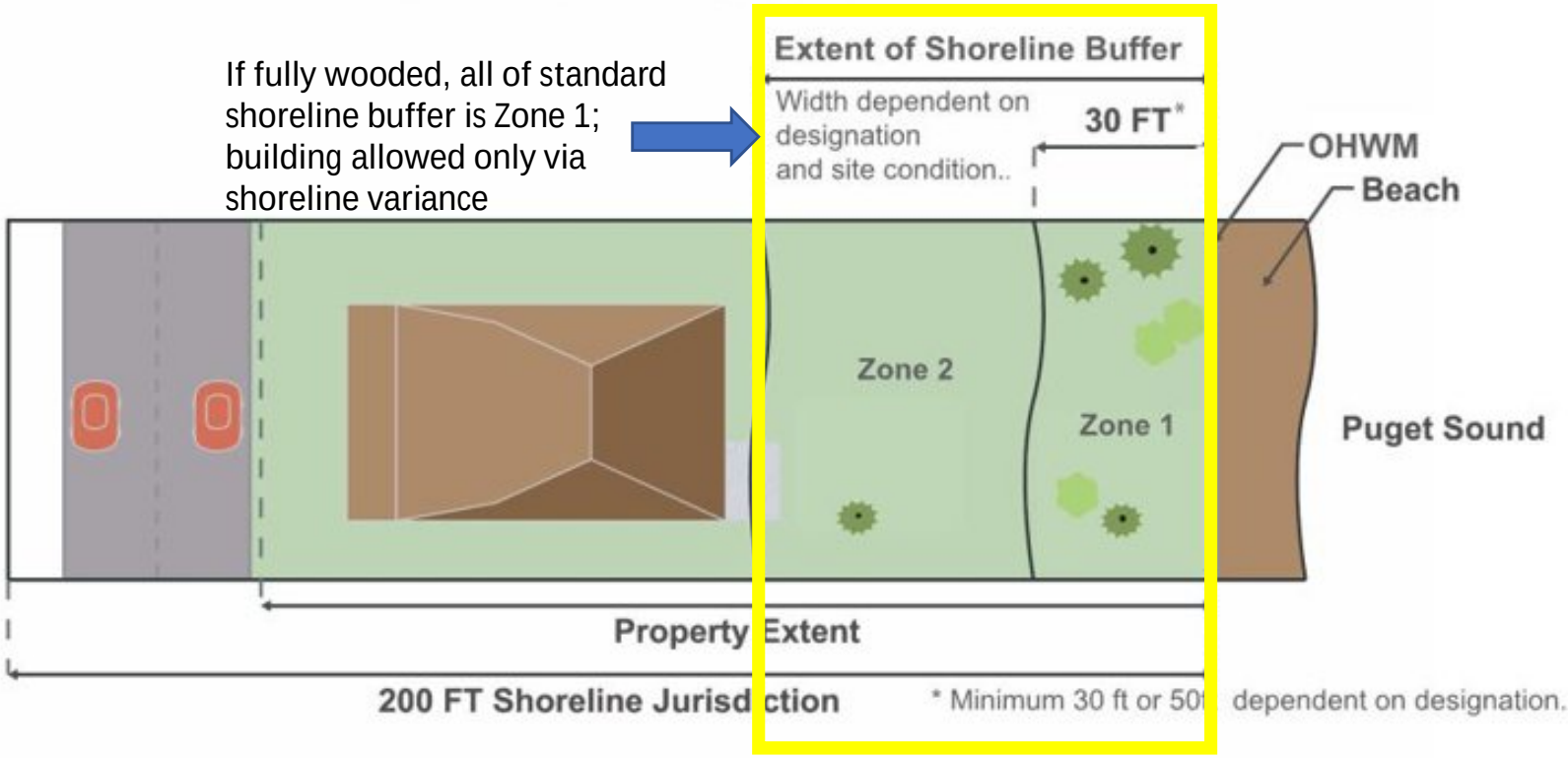

Shoreline property
Shoreline jurisdiction (200 feet from ordinary high water mark)
Standard shoreline buffer (varies)
Zone 1 of shoreline buffer extends to include native vegetation
Shoreline (OHWM)



- Vegetation outside shoreline buffer may be removed, but must be mitigated (replanting required).
- Fully wooded shoreline buffers would be considered Zone 1 – no building in Zone 1 without shoreline variance. If results in encumbered lot, 2,500 square foot development area allowed.



If fully wooded, all of standard shoreline buffer is Zone 1; building allowed only via shoreline variance



Applying the ARPA in the shoreline

- ARPA allows 12,500 square foot development area with no mitigation (replanting) required
- Encumbered lot provisions allow 2,500 square foot development area -- would apply to lot with fully wooded shoreline buffer – existing SMP provisions more restrictive than ARPA

Applying the ARPA in the shoreline

- Several activities and uses allowed in ARPA that are not allowed in shoreline buffer (e.g., non-water oriented structures, pruning, tree removal) – significant tree removal not allowed for construction in shoreline; difficult to implement (see proposed decision criteria for nonconforming expansion)

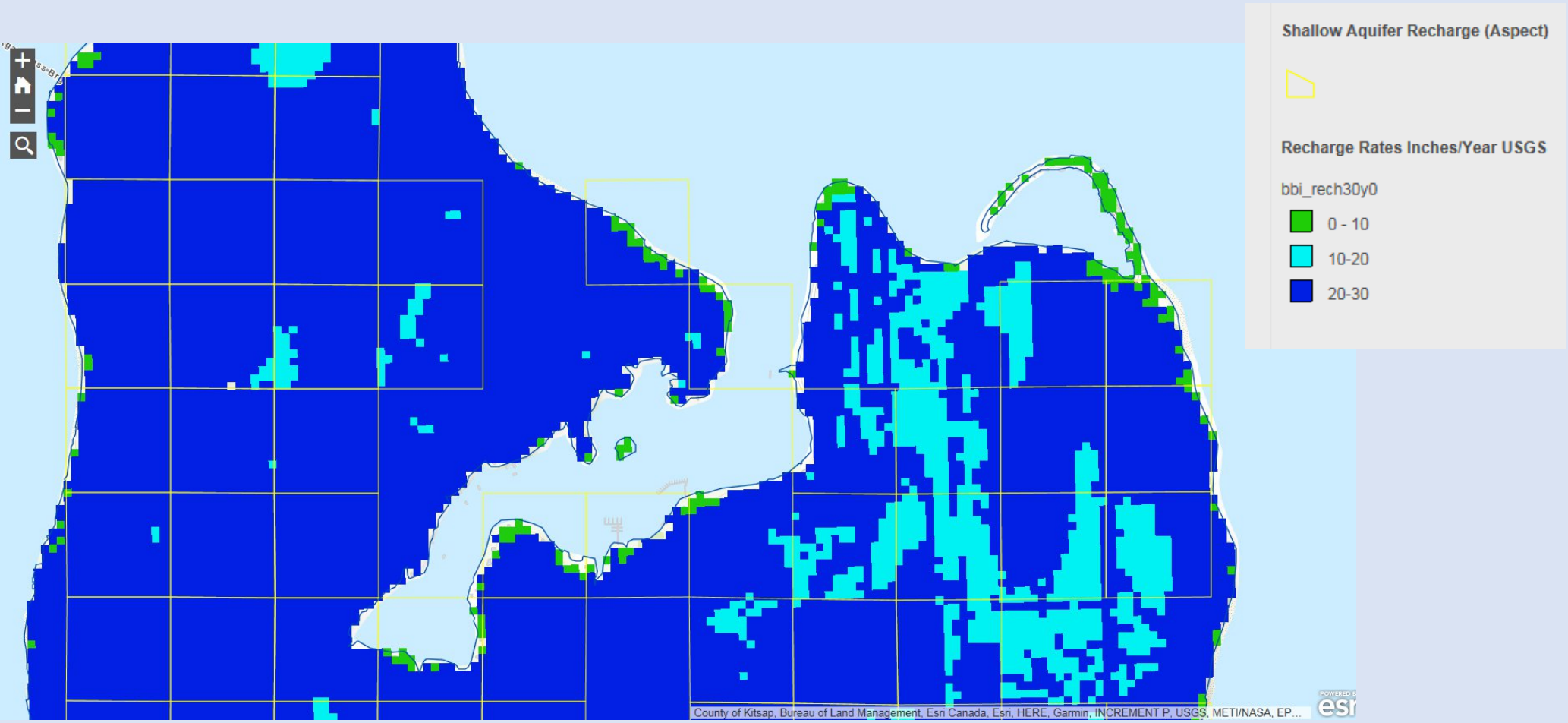
- Shoreline vegetation management provisions require mitigation (replanting) of all vegetation within shoreline buffer and native vegetation outside shoreline buffer if vegetation removed for construction

Applying the ARPA in the shoreline

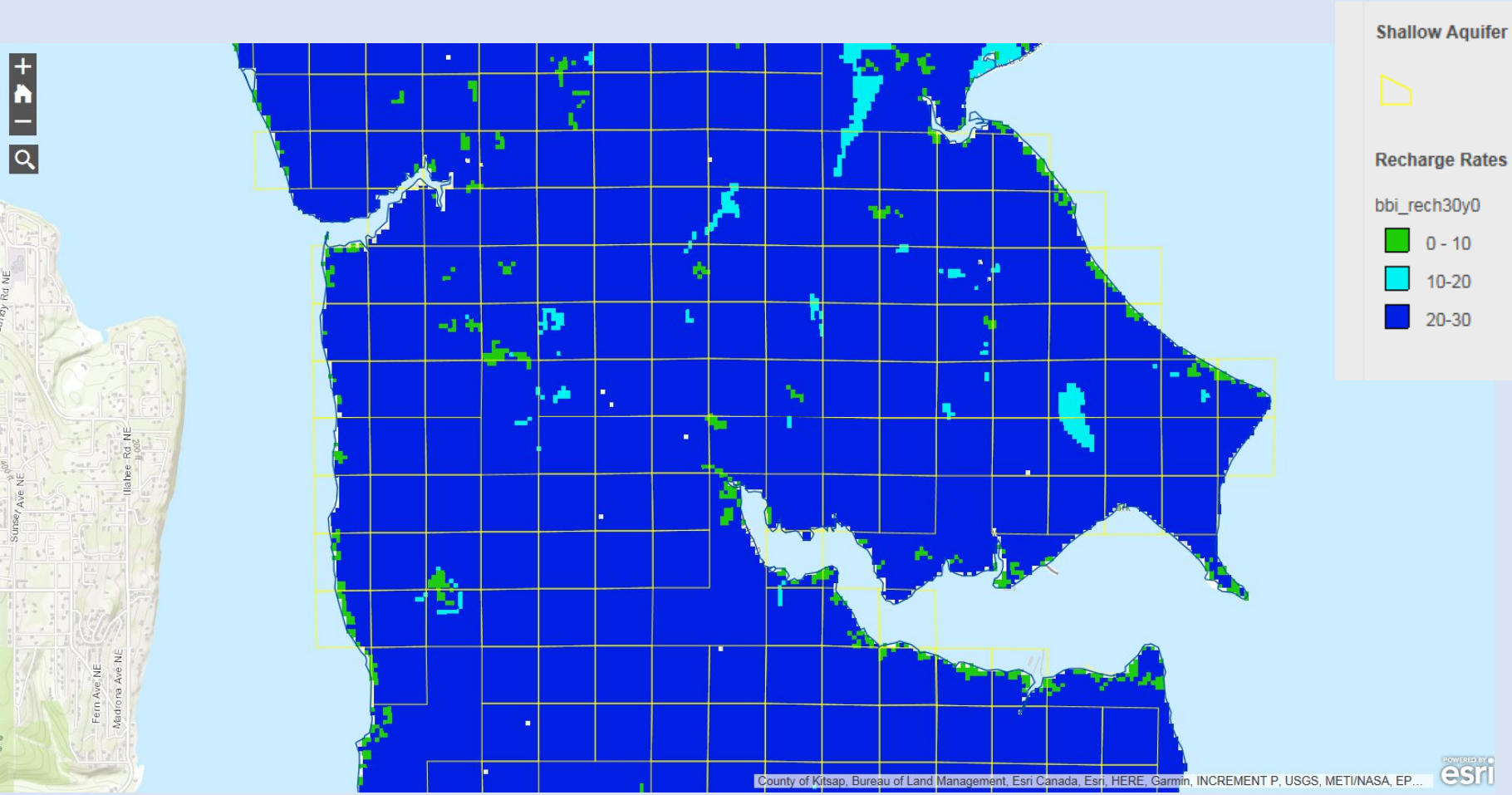
- Rain gardens (mitigation for new hard surfaces to provide infiltration) often not required at direction of professional geotechnical and/or civil engineer due to site conditions (soils, slopes)

- City data shows lower recharge occurs at shoreline – recharge still occurring (see maps)

Recharge in the shoreline



Recharge in the shoreline



4.2 General Use

4.2.1 Nonconforming Uses, Non-Conforming Lots, and Existing Development

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or its amendments, but which do not conform to present regulations or standards of the Master Program.

4.2.1.2 Goal

It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.

It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.

Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.

4.2.1.3 Policies

1. Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.
2. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.
3. Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.
4. Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.
5. Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.
6. Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the

nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.

7. Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.
8. Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.4 Regulations – General

1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.
2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.
4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.

5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.

4.2.1.5 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidently damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)
3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.6 Regulations – Existing Development

4.2.1.6.1 General Provisions – Nonconforming Structures

1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:
    a. Changes to the structure that would alter or increase the nonconformity are not permitted;
        i. Any vertical or horizontal extension of a wall must meet the provisions of this program.
        ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.
    b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;
    c. Renovations or remodels are entirely contained within the building;
    d. If moved, the structure shall be made to conform to regulations of this program.
2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations-General, and 4.2.1.5, Regulations – Nonconforming Uses, above.

a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and

b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.

c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – Nonconforming Uses, and Appendix B.

4.2.1.6.2 Existing Structures – Commercial and Industrial (Primary and Accessory)

1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.
2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.

4.2.1.6.3 Existing Structures – Residential Single-Family: Primary Structures

1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).
2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:
    a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:
        i. The allowed building area for Point Monroe District, Section 5.9.6(2).
        ii. The allowed building area for encumbered lots, Section 4.2.1.7.
        iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.
    b. Any vertical expansion must meet height requirements of this Program;
    c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;
    d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;
    e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and
    f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.

4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.

4.2.1.6.4 Existing Structures – Multifamily Residential: Primary Structures

1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.

    a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and

    b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and

    c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.

    d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.

2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:

    a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and

    b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).

4.2.1.6.5 Existing Structures – Residential: Accessory Structures

1. If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program, except:

    a. An existing essential single family residential accessory structure may be reconstructed as follows:

    b. Replacement structure is the same bulk dimension as the existing structure.

    c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.

d. Attached decks essential to a single family residence may be replaced in the same location.

e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

4.2.1.7 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:

   a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or

   b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:

      i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and

      ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and

      iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and

   c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and

   d. Development may not take place waterward of the ordinary high water mark; and

   e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.

2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures

1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
    a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).

CITY OF BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: October 8, 2018

To: City Council

From: Christy Carr, AICP
Senior Planner

Subject: Shoreline Master Program Amendment
Additional Information: Nonconforming Structures and Aquifer Recharge Protection Area

INTRODUCTION

This memo provides additional background information related to nonconforming structures and inclusion of the aquifer recharge protection area (ARPA) requirement in the shoreline jurisdiction.

NONCONFORMING STRUCTURES

First, a point of clarification from the October 2, 2018 Study Session:

The Washington Department of Ecology, through implementation of the Shoreline Management Act (SMA) does not expect, nor is it asking, local governments to eliminate legal, existing nonconforming structures and uses from shorelines. **Legal, existing nonconforming development may continue, and nonconforming structures may be repaired, maintained, and remodeled. This is clear in both the SMA and the City's existing SMP.**

While the state provides nonconforming standards (WAC 173-27-080), local governments typically develop their own approaches to addressing nonconforming structures, uses, and lots. The City's existing SMP includes goal and policy language related to eliminating or decreasing nonconformity over time:

- SMP 4.2.1.2: Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.
- SMP 4.2.1.2: It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.

- SMP 4.2.1.3.6: Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
- SMP 4.2.1.3.7: Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity.

The major policy questions for the City Council to consider related to nonconforming structures include:

- Can intentionally demolished nonconforming structures be rebuilt? If so, which ones?
- Can nonconforming structures be expanded? If so, are there limits to expansion?

As discussed previously, the City's SMP includes standards for different **types of structures** and different **types of demolition**. This level of differentiation and detail is unique to the City's SMP. A major focus of the amendment is to clarify allowances for replacement and expansion in the case of intentional demolition.

The attached table provides a summary of allowed actions for nonconforming structures, in accordance with the existing SMP and the Planning Commission's recommendation. Staff comments are provided.

State nonconforming standards are included at the end of this memorandum. [State standards are used only when a local jurisdiction does not develop their own.]

The City's nonconforming standards in its zoning code are also included at the end of this moratorium.

Note that both the existing SMP and the Planning Commission's recommendation include the requirement for any proposal to demonstrate the no net loss of shoreline ecological functions standard articulated in SMP 4.1.2. The list of shoreline ecological functions included in the SMA is provided at the end of this memorandum (or see WAC 173-26-201).

Aquifer Recharge Protection Area

The City's 2018 Critical Areas Ordinance (CAO) update included a new provision, the aquifer recharge protection area (ARPA). The purpose of the ARPA is to maintain and protect aquifer recharge. The ARPA is a designation and retention of up to 65 percent of a site's native vegetation when certain development thresholds are met (including subdivision of land, 800 square feet of new hard surfaces, 7,000 square feet of land disturbing activities). The ARPA is not a "no-touch" zone, although significant development is prohibited within the ARPA unless it is demonstrated that it will not result in less than 100 percent pre-development groundwater recharge.

The ARPA requires designation and retention of a site's native vegetation because the state's stormwater manual, low impact development (LID) technical manual, and supporting studies provide

that maintaining 65 percent mature forest cover is optimal to mimic pre-development hydrologic conditions.

The ARPA is designed to maintain and protect aquifer recharge by retaining native soil layers and vegetation. The SMP includes a number of provisions designed to retain native vegetation and mitigate for changes to the pre-development hydrologic conditions, including:

- Shoreline buffers: All properties have a shoreline buffer ranging from 50 to 200 feet. All native vegetation within the shoreline buffer is supposed to be retained unless specifically allowed to be removed. Most properties have either a 50- or 75-foot buffer. Undeveloped properties have larger buffers and properties with native vegetation contiguous with the shoreline (water) have larger buffers. New development is limited within shoreline buffers and any vegetation removal due to construction requires replanting (see below).
- Limit on non-habitable structures in shoreline buffer: Non-habitable structures (e.g., boathouse, gazebo, patio, deck) are generally limited to 400 square feet of the total buffer area. Stairs are limited to 300 square feet and only one path to the shoreline is permitted. Any vegetation removal requires replanting.
- Limits on vegetation removal and pruning: Vegetation removal and pruning is limited within the shoreline buffer. Vegetation removal and pruning is allowed for construction, view maintenance, and hazard tree removal. Any vegetation removal, and some pruning, requires replanting. Vegetation removal outside the shoreline buffer not related to construction is limited to an area no greater than 200 square feet in area and/or no more than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees within a three (3) year period.
- Significant tree retention: As stated above, all native vegetation within the shoreline buffer is supposed to be retained unless specifically allowed to be removed. There are no allowances for significant tree removal within or outside the shoreline buffer. This is very challenging to apply, particularly for new development. If strictly applied, removal of one significant tree would require a shoreline variance. Significant trees are allowed to be removed for construction if there is a demonstration of need, no reasonable alternatives, and mitigation is provided.
- Encumbered lot provisions: A parcel that is encumbered by its shoreline buffer or a critical area buffer is one that has less than 2,500 square feet available for a development area. In that case, a shoreline variance is required. If a parcel has 2,500 square feet available, then development must occur in that space and is limited to 1,200 square feet of lot coverage. For example, if a parcel's shoreline buffer is completed wooded, it would be encumbered by the shoreline buffer and require a shoreline variance.
- Replanting requirements (mitigation): Removal of any vegetation within the shoreline buffer requires replanting of vegetation depending on the type of vegetation removed (native, non-native, or lawn) and location. The amount of replanting required is highest for native vegetation removal closest to the shoreline (water). Removal of native vegetation outside the shoreline buffer also requires replanting. When new single family primary structures are located within Zone 2 of the shoreline buffer, all of Zone 1 and a portion of Zone 2 of the shoreline buffer must be replanted with native plants. If a site cannot accommodate the required replanting, an off-site location must be found. All replanting must be monitored for success (survival) for five years.
- Rain garden requirement (mitigation): Use of the Single Family Residence Shoreline Mitigation Manual requires installation of a rain garden to mitigate for new impervious surfaces, noting how "rain gardens mimic a native forest by collecting, absorbing, and filtering stormwater runoff

from rooftops, driveways, patios, and other areas that don't allow water to soak in." Installation/construction of new impervious surfaces (e.g., house, patio) requires installation of a rain garden (planted with native plants) equaling 20 percent of the size of new impervious surfaces.

In general, the SMP vegetation management requirements result in more vegetation retention than the ARPA. For example, the SMP vegetation management requirements would not allow for a 12,500 square foot development area on a fully wooded lot – it would be limited to 2,500 square feet or require a shoreline variance (which would require demonstration of the "minimum necessary" to achieve reasonable use and cannot cause adverse impacts to the shoreline environment). In addition, pruning is generally allowed without restrictions in the ARPA, whereas it is significantly limited in the SMP. Finally, most vegetation removal in the shoreline jurisdiction requires replanting, generally at more than a 1:1 ratio, and can require replanting up to three times the amount of vegetation removed. No replanting is required when an ARPA is designated.

It is also worth noting that the SMA (see WAC 173-26-201(3)(d)(i)(C)) articulates the shoreline ecological functions in marine waters:

- Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.
- Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.
- Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

When amending their SMP, WAC 173026-201(3)(d)(i)(A) directs local jurisdictions to:

(I) Identify the ecosystem-wide processes and ecological functions based on the list [above] that apply to the shoreline(s) of the jurisdiction.
(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing …; and
(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

Staff will closely revisit the foundational documents prepared for the SMP comprehensive update, including *Bainbridge Island Nearshore Habitat Characterization and Assessment, Management Strategy Prioritization, and Monitoring Recommendations* and *Bainbridge Island Nearshore Assessment Summary of Best Available Science* and then provide additional analysis consistent with the steps outlined in WAC 173026-201(3)(d)(i)(A) related to inclusion of the ARPA in the SMP as a measure necessary to protect and/or restore the ecological functions and ecosystem-wide processes of the island's shoreline.

State Nonconforming Standards

WAC 173-27-080

Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.

Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.

Nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within two years of the date the damage occurred.

City's existing zoning nonconforming structure language

18.30.030 Nonconforming structures and buildings.
A nonconforming structure may remain and be used; provided, that:

A. Changes to the structure that would alter or increase the nonconformity are not permitted.
1. Any vertical or horizontal extension of a nonconforming wall must meet the applicable standards.
2. Adding to the footprint of a nonconforming structure is permitted as long as the addition meets the requirements of BIMC Title 18;

B. If moved, the structure shall be made to conform to regulations of this code;

C. If a building is **harmed or destroyed by more than 50 percent of its square footage**, the building must be reconstructed in compliance with the requirements for the zone in which it is located (this provision shall not apply to any dwelling unit constructed as an affordable housing unit under Chapter 18.21 BIMC); and

D. Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal. (Ord. 2011-02 § 2 (Exh. A), 2011)

PLANNING COMMISSION RESPONSES TO CITY COUNCIL QUESTIONS
REGARDING RATIONALE FOR PROPOSED SMP NONCONFORMING PROVISIONS

As requested by the City Council at its October 16, 2018 meeting, the Planning Commission provides the following clarifications and makes the following recommendations with respect to nonconforming single family residential structures covered by the Shoreline Master Plan (SMP).

Because single family residential structures are a preferred use in the shoreline under the Shoreline Management Act (SMA), the Planning Commission feels the treatment of nonconforming single family residential structures under the SMP should be clarified to plainly state that such structures may be rebuilt if they are either intentionally or unintentionally demolished. The revisions being proposed should have no additional impact on shoreline functions and values, would not increase any nonconformity and would make the treatment of nonconforming structures within the jurisdiction of the SMP consistent with the treatment of nonconforming structures within the jurisdiction of the Critical Areas Ordinance.

SMP 4.2.1.2 states that "Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights." We support this policy but have learned through public comment that this provision is being interpreted by shoreline homeowners to mean that nonconforming primary residential structures located within the shoreline buffer should be targeted for removal or eliminated over time through application of SMP provisions. By eliminating the distinction between intentional and unintentional destruction or demolition and allowing rebuilding, the Planning Commission intends to simplify the SMP and make clear that elimination of nonconforming residential structures is not intended under the SMP.

Currently, SMP Section 4.2.1.6.3 allows a nonconforming primary single family residential structure that is unintentionally damaged or destroyed to be altered or expanded (1) one time within the life of the structure; (2) the alteration must occur landward of the existing footprint if the alteration is within the Shoreline Buffer; and (3) the expansion must not exceed 25% of the existing footprint. The Planning Commission proposes to (1) eliminate the distinction between intentional and unintentional damage or destruction; (2) allow vertical expansion within the existing footprint of the structure, provided that expansion meets all applicable height requirements and view setbacks, and (3) restrict landward expansion within the Shoreline Buffer to a total of 500 square feet over the lifetime of the structure. Any rebuilding must reduce nonconformity wherever possible, and if any new impacts to shoreline functions and values result from any such alteration or expansion, they must be mitigated using mitigation sequencing to demonstrate no net loss to those functions and values. The rationale for allowing an expansion totaling 500 square feet over the lifetime of the structure is to provide consistency with the expansion currently allowed in critical area buffers under the Critical Areas Ordinance.

The Planning Commission further recommends that the City review its Critical Areas Ordinance and any other code provisions applicable to the destruction or demolition of nonconforming single family residential structures and make similar changes to those chapters of the Code, to ensure that all nonconforming single family residential structures are treated consistently across the island.

Primary residential structures

1. Eliminate the distinction between intentional and unintentional destruction or demolition of nonconforming single family primary residential structures.

2. Allow the rebuilding of a nonconforming single family primary residential structure within the same footprint as the primary residential structure that was in existence prior to destruction or demolition, up to the height allowed within the applicable zone. Rebuilding would not be allowed to increase the nonconformity and any existing nonconformity must be reduced where possible. A landward expansion within a Shoreline Buffer would be allowed behind the residential structure up to 500 square feet over the lifetime of the structure.

3 Any height added during the rebuilding of a nonconforming single family primary residential structure must conform with the shoreline structure view setback line and must not result in any loss of shoreline functions and values that was not already occurring as a result of the original nonconforming single family primary residential structure.

4. Because the rebuilding of a nonconforming single family primary residential structure must occur within the original footprint, there should be no increase in nonconformity. If the City determines that a proposed rebuild would cause a loss of shoreline functions and values, such as shading resulting from the addition of a second story, the property owner would then have to demonstrate no net loss of those functions and values resulting from the rebuild by providing mitigation. Any required mitigation would use mitigation sequencing.

Accessory residential structures

1. Eliminate the distinction between intentional and unintentional destruction or demolition of nonconforming accessory residential structures.

2. Allow the rebuilding of a nonconforming accessory residential structure within the same footprint as the accessory residential structure that was in existence prior to destruction or demolition.

Essential accessory residential structures

1. Delete this term.

ADUs

1. Eliminate the distinction between intentional and unintentional destruction or demolition of ADUs.

2. Allow the rebuilding of an ADU within the same footprint as the ADU that was in existence prior to destruction or demolition.

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: November 27, 2018

To: City Council

From: Christy Carr, AICP, Senior Planner

Subject: SMP Amendment – Nonconforming Structures

Introduction

This memorandum provides additional background information for City Council consideration related to nonconforming structures within the shoreline jurisdiction. Specifically, staff input on the Planning Commission's rationale of their recommendation and a summary of how other jurisdictions regulate nonconforming structures, in comparison to Bainbridge Island, are provided.

There is no required nonconforming language in the SMA or SMP Guidelines and the Department of Ecology will approve a wide array of approaches and provisions. The City Council may choose to keep the City's nonconforming provisions the same, adopt the Planning Commission's recommendations, or adopt their own approach.

Planning Commission Rationale

At its October 16, 2018 meeting, the City Council asked that the Planning Commission to provide a rationale for its recommendation related to rebuilding and expansion of nonconforming structures, specifically in relation to how their recommendation results in more permissive standards within the shoreline jurisdiction than in other parts of the island, regulated by the critical areas ordinance and zoning code.

The Planning Commission's original recommendation included:

- Eliminating the distinction between unintentionally destroyed and intentionally demolished nonconforming structures
- Allowing landward expansion of a nonconforming single family primary structure within the shoreline buffer with no maximum (no "cap" or limit to the amount/area of footprint expansion)

The Planning Commission, in providing a rationale for its recommendation, changed its recommendation related to expansion of nonconforming single family primary structures to include a maximum landward footprint expansion within the shoreline buffer of 500 square feet over the lifetime of the structure.

The Planning Commission's rationale states that their recommended revisions "would make the treatment of nonconforming structures within the jurisdiction of the SMP consistent with the treatment

of nonconforming structures within the jurisdiction of the Critical Areas Ordinance. This is not entirely accurate. Regulations applicable to nonconforming structures in critical areas also include:

- If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements of the critical areas ordinance
- Expansion limited to indoor living area or as needed to accommodate accessibility
- One expansion within the lifetime of the structure

The Planning Commission's rationale states that the intent of eliminating the distinction between intentional and unintentional destruction or demolition and allowing rebuilding is to "simplify the SMP and make clear that elimination of nonconforming residential structures is not intended under the SMP." As previously conveyed to the City Council, the Washington Department of Ecology, through implementation of the Shoreline Management Act (SMA), does not expect, nor is it requiring, local governments to eliminate legal, existing nonconforming structures and uses from shorelines. Legal, existing nonconforming development may continue, and nonconforming structures may be repaired, maintained, and remodeled. This is clear in both the SMA and the City's existing SMP. The City's existing SMP includes language related to eliminating nonconforming uses and *commercial* structures – not nonconforming single family residential structures. This is an important distinction. Elimination of nonconforming residential structures is not intended under the existing SMP, and specific language is provided for rebuilding unintentionally destroyed nonconforming primary structures:

> If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event…" (SMP 4.2.1.6.1(2))

The Planning Commission's rationale includes the following inaccuracy (emphasis added):

"Currently, SMP Section 4.2.1.6.3 allows a nonconforming primary single family residential structure that is unintentionally damaged or destroyed to be altered or expanded (1) one time within the life of the structure; (2) the alteration must occur landward of the existing footprint if the alteration is within the Shoreline Buffer; and (3) the expansion must not exceed 25% of the existing footprint."

The Planning Commission's statement above is inaccurate because allowances for expansion, contained in SMP Section 4.2.1.6.3(2-4), apply to both intentionally and unintentionally damaged or destroyed structures, as stated in SMP Section 4.2.1.6.3.1:

> If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).

Nonconforming Structures – Is Bainbridge Island an Outlier?

The purpose of including provisions for nonconforming structures is to allow reasonable accommodation for existing structures that do not meet current regulations. There is a wide variety of approaches to allowing repair, maintenance, and expansion of nonconforming structures. Bainbridge Island's approach is not an outlier in this mix since almost every jurisdiction approaches it a bit differently based on local conditions and community preferences.

Replacement/Rebuilding

The "tipping point" for replacing nonconforming structures is essentially the question of if and when they lose their nonconforming status. Replacement in this context is within the original building footprint (replacing the structure in a different location would be considered redevelopment). Nonconforming provisions are intended to allow reasonable accommodation (such as repair, maintenance, safety upgrades, minor expansion) for structures that were legally built prior to adoption of current regulations. Nonconforming provisions, then, should allow this reasonable accommodation, but stop short of allowing redevelopment of a site inconsistent with current regulations.

The City uses an "up to 50 percent rule" in its shoreline master program. If a structure is intentionally demolished by over 50 percent of its square footage, then the ability to reconstruct is no longer a nonconforming accommodation, it is redevelopment, and the new structure must comply with current regulations. In other words, the structure has lost its nonconforming status. As noted previously, if a structure is unintentionally demolished, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event.

Other cities and counties have a range of ways to regulate replacement. Most jurisdictions do not differentiate between unintentional and intentional destruction; however, such jurisdictions as described below do not allow rebuilding if 100 percent of the structure is demolished or destroyed:

- Structure may be replaced if damaged up to 75 percent of replacement cost of original structure (Snohomish County, Bremerton, Edmonds)
- Structure may be replaced if damaged by not more than 50 percent of replacement cost of original structure (Port Townsend)
- Structure may be replaced if the cost does not exceed 50 percent of the replacement cost of the structure or constructing a new primary structure (Kirkland)
- If a structure experiences substantial destruction it shall constitute a discontinuation of the nonconforming structure and have its nonconforming status terminated. Any repair or reconstruction of the structure shall comply with the requirements of the Shoreline Master Program and the Zoning Code. "Substantial destruction" means the repair or replacement of a building or structure which exceeds 75 percent of the assessed value of the structure, including all repair and maintenance work conducted within a five (5) year period (Bremerton)

Alternatively, other jurisdictions differentiate, like Bainbridge Island does, between unintentional damage and intentional demolition. See, for example, Island County's separate provisions:

> If a nonconforming development is unintentionally damaged to an extent not exceeding seventy-five percent (75%) of its real valuation exclusive of foundations, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged.
>
> If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds sixty percent (60%) of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.

Other jurisdictions do not differentiate between unintentional damage and intentional demolition and have no limit on the amount of damage or destruction. For example, San Juan County's nonconforming provisions simply state:

> Any structure may be moved, replaced, redeveloped, expanded, or otherwise modified on the same parcel provided this work is consistent with the provisions of this section. (Note: the modification cannot result in a new or increased nonconformity.)

Expansion

As previously discussed, structures can be nonconforming to one or more bulk or dimensional standards, including: location in the shoreline buffer, height, and yard and view setbacks. In most cases, nonconforming structures on Bainbridge Island are nonconforming to the required shoreline buffer; however, it is not uncommon to also be nonconforming to the view setback or shoreline side yard setback if a house is located in the shoreline buffer.

Like replacement, different jurisdictions have various approaches to expansion of nonconforming structures.

- City of Bainbridge Island: Expansion within shoreline buffer shall not exceed 25 percent of existing building footprint; no limit outside shoreline buffer
- City of Kirkland: Varies by lot size; any enlargement of the building footprint within the shoreline setback shall not exceed 10 percent of the gross floor area of the existing primary structure prior to the expansion. Other enlargements, such as upper floor additions, may be permitted
- City of Bremerton: Up to 250 square feet within shoreline buffer; up to 500 square feet outside shoreline buffer
- City of Olympia: Alteration of structures located within a required Vegetation Conservation Area (VCA) that include expansion of the building footprint is prohibited. Only interior and exterior remodels and the addition of upper stories are permitted.

In all jurisdictions where expansion is allowed, the expansion cannot result in a new or increased nonconformity. San Juan County's shoreline master program says it succinctly: Nonconforming structures cannot "create a new nonconformance or increase the degree of inconsistency with provisions of SMP." Several jurisdictions do not have a specific allowance for expansion, including Snohomish and Island Counties, Port Townsend, and Edmonds. If there is no specific provision for expansion, it is not allowed if it would result in a new or increased nonconformity.

<u>Summary</u>

Moving forward, the major policy questions for the City Council remain the same:

- Can intentionally demolished nonconforming structures be rebuilt? If so, which ones?
- Can nonconforming structures be expanded? If so, what is the limit to expansion?

To help answer the City Council answer these questions, this memo provided information to clarify whether or not the City's SMP and/or the Planning Commission's rationale is consistent with a) the City's critical areas ordinance and b) other jurisdictions' shoreline master programs, a summary of which is provided on the following page.

In general, the Planning Commission's recommendation is consistent with the City's CAO and other jurisdictions' SMPs relative to expansion of nonconforming structures but differs from the City's CAO

(and zoning code) and most other jurisdictions' SMPs in allowing reconstruction/rebuilding after intentional demolition of 100 percent of the structure.

	Policy Questions	
	Can intentionally demolished nonconforming structures be rebuilt? If so, which ones?	Can nonconforming structures be expanded? If so, what is the limit to expansion?

City's existing SMP	Essential single family residential accessory structures may be reconstructed in same footprint.
	
	All other structures may be reconstructed/rebuilt only in conformance with all standards of the program.
		Yes, when all of the following provisions are met:
		• Located landward of the existing or original building footprint
		• Only one such expansion may occur within the lifetime of the development
		• Expansion shall not exceed:
		  • The allowed building area for Point Monroe District, Section 5.9.6(2)
		  • The allowed building area for encumbered lots, Section 4.2.1.7
		  • For structures not meeting above, 25% of the existing building footprint
		  • Height may be added to allowed limit

Planning Commission recommendation	Yes, all structures may be rebuilt within the existing footprint and height may be added to allowed limit	Yes, single family primary structures may be expanded when all of the following provisions are met: • Located landward of the existing or original building footprint • Shall not exceed 500 square feet (footprint) throughout the life of the structure • Height may be added to allowed limit
City's CAO	No, a structure that is entirely (100%) intentionally demolished cannot be rebuilt in the same footprint. If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with current provisions. When less than 50 percent of a building is	Yes All buildings may be expanded when all of the following provisions are met: • Any expansion of the footprint is located only within a critical area buffer. No expansion of the footprint is allowed within a wetland or fish and wildlife habitat conservation area • Cantilevers over critical areas are not allowed

	Policy Questions	
	Can intentionally demolished nonconforming structures be rebuilt? If so, which ones?	Can nonconforming structures be expanded? If so, what is the limit to expansion?
City's CAO	demolished, any new construction must meet current provisions.	• The expansion of the footprint at ground level does not exceed 500 square feet • Any expansion of the footprint is used only as indoor living space or to accommodate accessibility • Any expansion of the footprint is no closer to the critical area than the existing footprint** ***This is essentially the same as saying "landward" of the existing footprint.*
City's zoning code	Same as CAO.	Yes Adding to the footprint of a nonconforming structure is permitted as long as the addition meets the requirements of the zoning code.** ***This is essentially the same as saying the expansion cannot increase or create a nonconformity.*
Other jurisdictions' SMPs	Most jurisdictions have a limit on the amount of destruction/demolition (50 to 75%, by square footage or value), after which reconstruction must meet current provisions.	Varies Some jurisdictions do not allow expansion if it increases or creates a nonconformity. Some jurisdictions allow expansion, varying from 250 to 1,000 square feet.

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: September 11, 2018

To: City Council

From: Christy Carr, AICP
Senior Planner

Subject: Shoreline Master Program Amendment

I. Introduction and Background

The subject of the September 11, 2018 City Council public hearing is an amendment to the City's Shoreline Master Program (SMP) related to critical areas regulations and nonconforming uses, structures, and lots.

Amendments related to critical areas (SMP Section 4.1.5) focus on integrating regulations recently updated as part of the critical areas ordinance (CAO, see BIMC 16.20). The updated critical areas regulations cannot be applied within the shoreline jurisdiction until an amendment to the SMP integrating these regulations is locally adopted by City Council and approved by the Department of Ecology.

Amendments related to nonconforming uses, structures, and lots (SMP Section 4.2.1) are intended to improve clarity and implementation effectiveness of the SMP. The amendments focus on clarification of allowed actions (e.g., rebuilding) of all nonconforming structures and specific allowances for expansion of single-family residential primary structures.

II. Planning Commission Review

The Planning Commission discussed the SMP Amendment at regular and special meetings between January and the end of August, including a public hearing on May 24, continued to June 7, 2018. On August 30, 2018, the Planning Commission recommended, by unanimous vote, the amendments related to critical areas and nonconforming uses, structures, and lots for City Council consideration at their September 11, 2018 public hearing.

III. Summary of Amendments – Critical Areas

The intent of the amendment is simply to integrate recently updated critical areas regulations into the SMP consistent with procedures and policies of the Shoreline Management Act (SMA). The SMP amendment does not include any regulations that are new or different than those in the recently updated critical areas ordinance.

The City's existing SMP contains critical areas regulations in two places – Section 4.1.5 and Appendix B. Appendix B is essentially a carbon copy of BIMC 16.20, as it existed prior to the CAO update. Section 4.1.5 has some "shoreline-specific" critical areas provisions and some redundant regulations also present in Appendix B. A major housekeeping change in the draft amendment is to eliminate Appendix B and consolidate all critical areas regulations in Section 4.1.5. This improves readability of the document and eliminates redundancies and internal inconsistencies.

While regulations in the CAO and SMP do not – and cannot, due to consistency issues with the SMA – have to be exactly the same, there are distinct and important reasons for integrating the updated critical areas regulations into the SMP, including, but not limited to:

- Critical areas regulations in the existing SMP largely date from 2006 – the last time the City's CAO was comprehensively updated.
- Critical areas regulations in the existing SMP (Section 4.1.5 and Appendix B) would benefit from revisions to improve clarity, readability, and consistency with the SMA.
- New critical areas regulations include more protective standards for aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas/streams, and more rigorous review criteria (e.g., precautionary principal and mitigation sequencing).
- The aquifer recharge protection area (ARPA) requirement does not apply within shoreline jurisdiction. Notably, 42 percent of the island's R-2 parcels are within the shoreline jurisdiction.
- Relieving staff and the public from navigating two sets of regulations (e.g., referencing the correct set, using the correct application, recognizing different standards, permit types, and review requirements).

IV. Summary of Amendments – Nonconforming Uses, Structures, and Lots

The draft revisions related to nonconforming uses, structures, and lots are provided in the agenda packet as a "clean" version of SMP Section 4.2.1 since the significant number of changes and reorganization of the section would make it difficult to review a strikethrough/underline version. A strikethrough/underline version will be available at the start of the 30-day public comment period on September 10.

The majority of draft revisions are intended to improve clarity and eliminate vagueness, repetition, and/or internal conflict. In addition, the Planning Commission's draft revisions include a number of changes to allowed actions for nonconforming structures.

Proposed revisions include:

- Use of the term nonconforming. The current SMP uses the term "existing development" to refer to existing structures lawfully constructed prior to the effective date of the City's SMP. This term is confusing because "existing" development may not be "nonconforming" development; additionally, "existing development" is not used consistently throughout the SMP – it is interchanged with existing structures and nonconforming structures. During the 2014 SMP update process, the Planning Commission recommended the use of the term "nonconforming;" however, the City Council subsequently changed the term to "existing development." The Planning Commission again recommends use of the term nonconforming since it is a long-standing and well-understood land use term that has a specific definition and requirements provided in the SMA.

- Intentionally demolished structures. The current SMP differentiates, and has different allowances for, intentionally demolished vs. unintentionally destroyed (by natural catastrophic event) structures. The Planning Commission is recommending several changes to allowances for nonconforming structures. The intent of this change is to better align the regulations with the no net loss standard. All development within the shoreline jurisdiction is required to achieve "no net loss of shoreline ecological function and process." Existing conditions at the time of the City's SMP update, including nonconforming structures, are considered the baseline for the no net loss standard. If that is the case, then allowing rebuilding/reconstruction within the existing footprint – whether due to intentional demolition or unintentional destruction – would achieve no net loss. The Planning Commission's recommended draft deletes this sentence from Section 4.2.1's goal statement: "Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights." The proposed change underscores that single-family residential development is a preferred shoreline use and clarifies that the SMP is not designed to "phase out" nonconforming single-family residential development over time.

    - Single-family residential primary structures: The existing language is unclear related to whether a nonconforming single-family primary structure can be rebuilt/reconstructed if it is intentionally demolished. The Planning Commission is recommending that a nonconforming single-family primary structure, whether it is intentionally demolished or destroyed by a catastrophic event (e.g.; fire), can be rebuilt/reconstructed in the same footprint and to the same height existing immediately prior to the demolition/destruction. This is a change from how the SMP is currently implemented: A nonconforming single-family primary structure may be demolished up to 50 percent of its square footage and retain any portion of the footprint that is nonconforming. If the structure is demolished over 50 percent of its square footage, the new structure must be fully conforming with present regulations. This current practice is the same as the City's current requirements for nonconforming structures in the zoning title [See BIMC 18.30.030.C: "If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements for the zone in which it is located."]. The proposed change would create nonconforming shoreline regulations that are more permissive than nonconforming zoning regulations.

    - Single-family residential accessory structures: The existing language reads: "If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program" – which means it does not matter if the structure is intentionally demolished or unintentionally destroyed. If, for example, you want to replace an existing boathouse that exceeds the maximum size requirement, you could a) replace up to 50 percent of the square footage and maintain the existing size or b) replace only up to the maximum size requirement, resulting in a smaller boathouse. The Planning Commission is recommending that a nonconforming accessory structure, whether it is intentionally demolished or destroyed by a catastrophic event, can be rebuilt/reconstructed in the same footprint and to the same height existing immediately prior to the demolition/destruction. This is similar to the City's current requirements for nonconforming structures other than buildings in the zoning title [See BIMC

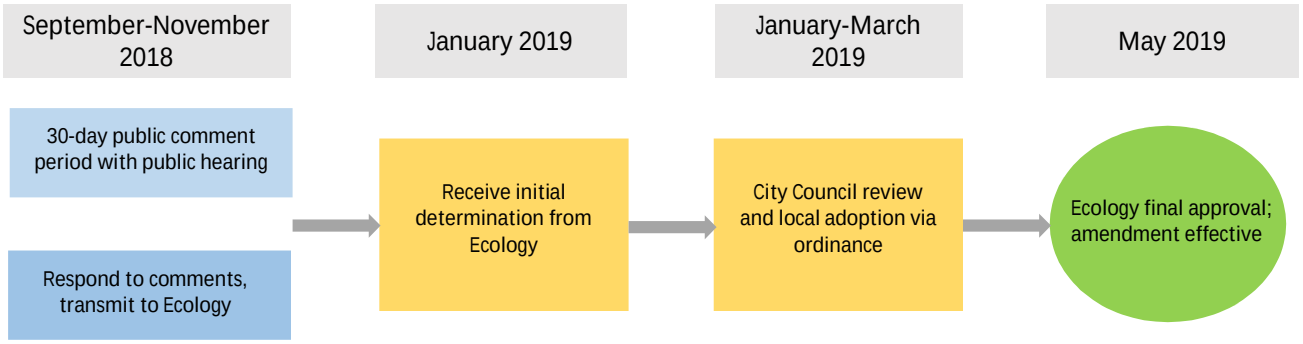
18.30.030.D: "Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure."].

- Single-family residential essential accessory structures: The existing language allows for replacement of single-family residential essential accessory structures in the same footprint whether intentionally demolished or destroyed by a catastrophic event. Single-family residential essential accessory structures include decks attached to houses, garages, carports, wellhouses, and septic systems. The Planning Commission is recommending deleting this term.
- Residential and commercial aquatic structures: The term "aquatic structure" is vague and undefined and is proposed to be changed to overwater structure. The existing language allows for nonconforming docks, piers, and buoys to be replaced in the same footprint and to be replaced/reoriented through a shoreline conditional use permit if the new structure is more consistent with SMP provisions. Other overwater structures (e.g., covered moorage) may be replaced up to 50 percent of the footprint. The recommended change is to allow docks, piers, floats, and buoys to be replaced or reoriented, if more consistent with SMP provisions, without a shoreline conditional use permit and for other overwater structures to be replaced only if the replacement is considered repair pursuant to WAC 173-27-040(2)(b).
- Multifamily primary structures: No changes proposed; language clarification only.
- Commercial and industrial structures: The existing language allows for reconstruction after intentional demolition only in conformance with all provisions of the SMP; reconstruction after unintentional destruction may be within the same footprint. The Planning Commission recommends commercial and industrial structures demolished or destroyed by any means may be reconstructed only in conformance with the standards of the SMP; except, nonconforming commercial structures utilized wholly for water-oriented uses may be reconstructed to the same footprint.
- Public facilities and transportation: No changes proposed; language clarification only.

- Expansion of single-family primary structures. Currently, single-family primary structures are the only nonconforming structures allowed to be expanded. This is not proposed to be changed. The existing language allows for expansion of nonconforming single-family primary structures under certain provisions, including "only one such expansion may occur within the lifetime of the development" and a total limit on the amount of expansion allowed (the allowed building area for Point Monroe or encumbered lots or 25 percent of the existing building footprint). The Planning Commission's recommendation does not include a total limit on the expansion allowed; rather, any amount of expansion would be allowed if the no net loss standard was demonstrated through use of either the Single-Family Residence Shoreline Mitigation Manual or a site-specific impact analysis. New criteria for allowing the removal of significant trees to accommodate expansion are also proposed (the existing language does not generally allow significant tree removal).

V. Next Steps

The City is developing this amendment with the Department of Ecology (Ecology) under the optional joint review process for amending shoreline master programs, which combines the local and state public comment periods. The 30-day joint public comment period runs from September 10 through October 11, 2018. After the close of the public comment period, the City to forwards the amendment to Ecology with a response to any comments received during the public process, and any changes made based on those comments. Ecology makes an initial determination of consistency with the SMA and SMP guidelines. Once receiving the initial determination from Ecology, staff would present the draft amendment to City Council for review and local adoption. The locally adopted amendment would then go back to Ecology for final approval. Final approval is anticipated in spring 2019.



CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (8:20 PM) Set Public Hearing on Ordinance No. 2018-45, Extending the Duration of the Interim Official Control Related to the Preservation of Landmark Trees - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to hold a public hearing on Ordinance No. 2018-45 as part of the December 11, 2018 Business Meeting.

SUMMARY:
Ordinance No. 2018-45 proposes to extend the interim official control governing the preservation, protection, and retention of Landmark Trees located on Bainbridge Island for an additional six months and provide for an application fee to be set by resolution of the City Council.

FISCAL IMPACT:

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

BACKGROUND: On June 26, 2018, the City Council adopted Ordinance No. 2018-25, which imposed an interim official control governing the preservation, protection, and retention of Landmark Trees located on Bainbridge Island. The interim official control created a new chapter of the municipal code: Chapter 16.32 BIMC, Protection of Landmark Trees. The interim official control took effect immediately and remains in effect until December 26, 2018, unless terminated earlier or extended by the City Council.

Since being adopted, the City Council has twice amended the interim official control adopted by Ordinance No. 2018-25: first on August 21, 2018, (via Ordinance No. 2018-32); and again on October 9, 2018, (via Ordinance 2018-42).

On October 16, 2018, the City Council authorized the City Manager to contract with a team of arborists to review and make recommendations on City regulations governing tree and vegetation removal, including Chapter 16.32 BIMC. The City Manager has negotiated and executed a contract with the team of arborists, and the team's recommendations are expected by the end of December 2018.

If adopted, Ordinance No. 2018-45 would extend the interim official control until June 26, 2019, for an addition six-month period. Ordinance No. 2018-45 would also provide for an application fee, to be set by resolution of the City Council, for applications for removal of Landmark Trees.

ATTACHMENTS:

Ordinance No. 2018-45, Extending the Duration of the Landmark Tree Interim Official Control

Chapter 16.32 BIMC, Preservation of Landmark Trees

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018-45

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 36.70A.390; amending the interim official control, codified as Chapter 16.32 of the Bainbridge Island Municipal Code, to include an application fee; leaving the effective date of the interim official control unchanged; and extending the duration of the interim official control until June 26, 2019.

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

WHEREAS, the City Council of the City of Bainbridge Island ("City") updated the City's Comprehensive Plan in February of 2017; and

WHEREAS, the City Council has significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City's Comprehensive Plan, is discussing how to best accommodate growth and development in both general and specific ways, and finds that there are likely to be adverse impacts on the City and its citizens unless the City acts immediately to preserve the status quo; and

WHEREAS, land clearing and development activities have resulted in the removal and loss of Landmark Trees on Bainbridge Island and the City has received numerous public comments expressing concern regarding the loss of Landmark Trees on Bainbridge Island; and

WHEREAS, Landmark Trees, because of their age, size, and condition, are recognized as having exceptional value in contributing to the character of the community; and

WHEREAS, the Planning Commission, Design Review Board, and the Ad Hoc Tree/LID Committee have expressed concern regarding the loss of trees on Bainbridge Island and the preservation of trees is a community value supported by the policies and goals of the City's Comprehensive Plan; and

WHEREAS, on June 26, 2018, the City Council adopted Ordinance No. 2018-25, which imposed an interim official control in the form of Chapter 16.32 BIMC, *Preservation of Landmark Trees*, which designates Landmark Trees based on size and species, requires a permit to remove any Landmark Tree, and imposes fines if a Landmark Tree is removed without a permit; and

WHEREAS, on August 14, 2018, the City Council held a public hearing on Ordinance No. 2018-25; and

WHEREAS, the City Council has previously amended the interim official control adopted by Ordinance No. 2018-25 on August 21, 2018, (via Ordinance No. 2018-32) and again on October 9, 2018, (via Ordinance 2018-42); and

WHEREAS, on October 16, 2018, the City Council authorized the City Manager to contract with a team of arborists to review and make recommendations on City regulations governing tree and vegetation removal, including Chapter 16.32 BIMC; and

WHEREAS, the City Manager has negotiated and executed a contract with the team of arborists and additional time is needed to allow the team of arborists to review the City's regulations and develop recommendations to present to the City Council; and

WHEREAS, following receipt of the arborists' recommendations, additional time will also be needed for the City Council to review the recommendations and consider the potential adoption of such recommendations that are consistent with the vision and goals of the City's Comprehensive Plan; and

WHEREAS, on November 27, 2018, the City Council first discussed Ordinance No. 2018-45; and

WHEREAS, on December 11, 2018, the City Council held a public hearing on Ordinance No. 2018-45; and

WHEREAS, the interim official control promotes the public good and is necessary for the protection of public health, property, safety and welfare, and the public emergency on which the interim official control was imposed continues to exist and this ordnance does not change the basis for the that declaration of emergency nor the effective date of the interim official control, which is June 26, 2018.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the interim official control, as initially established by Ordinance No. 2018-25 and as subsequently amended by Ordinance Nos. 2018-32 and 2018-42.

Section 2. Interim Official Control Amended. Section 16.32.030.B of the Bainbridge Island Municipal Code is amended to read as follows:

B. Prior to the removal of a Landmark Tree, any person, corporation, or other legal entity seeking to remove a Landmark Tree must submit an Application for Removal of a Landmark Tree<u>, along with a fee to be established by resolution of the City Council,</u> to the Department of Planning and Community Development.

Section 3. Duration of Interim Official Control Extended. The interim official control is hereby amended, as also stated in Section 6 below, to extend the duration of the interim official control until June 26, 2019, six months beyond the current expiration date, which, without this amendment, would be December 26, 2018.

Section 4. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

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

Section 6. No Change to Basis for Declaration of Emergency or Effective Date; Extension of Duration. This ordinance shall take effect and be in force five days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declaration stated in Ordinance No. 2018-25, which preceded this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration were included in the "Whereas" clauses in Ordinance Nos. 2018-25, 2018-32, and 2018-42, and those "Whereas" clauses are adopted as findings of fact. This ordinance amending the interim official control shall extend the duration of the interim official control until June 26, 2019, for an additional six-month period, unless terminated earlier by the City Council. This ordinance does not change the effective date of the interim official control, which is June 26, 2018. The Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL this ___ day of _____, 2018.

APPROVED BY THE MAYOR this ___ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	November 21, 2018
PASSED BY THE CITY COUNCIL:	, 2018
PUBLISHED:	, 2018
EFFECTIVE DATE:	, 2018
ORDINANCE NUMBER:	2018-45

Chapter 16.32
PROTECTION OF LANDMARK TREES[1]

Sections:

16.32.010 Definitions.

16.32.020 Landmark tree criteria.

16.32.030 Landmark tree retention.

16.32.040 Emergencies.

16.32.050 Appeals.

16.32.060 Violations and penalties.

16.32.010 Definitions.

A. “City attorney” means the city attorney of the city of Bainbridge Island, or their designee.

B. “Diameter breast height” means the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree.

C. “Landmark trees” means trees, located on Bainbridge Island, that are unique because of their age, size, species, historical significance, or aesthetic quality and meet the criteria established by this chapter.

D. “Planning director” means the director of the planning and community development department of the city of Bainbridge Island, or their designee.

E. “Replacement tree” means a tree that is of a species native and indigenous to the site where a landmark tree was removed and is a minimum size of six feet in height measured from top of the root flare, with a minimum trunk diameter of one inch measured at four inches above the top of the root flare for both evergreen and deciduous trees.

F. “Size” means the diameter breast height of a tree. (Ord. 2018-42 § 1, 2018: Ord. 2018-25 § 2, 2018)

16.32.020 Landmark tree criteria.

Landmark trees are trees that meet the following criteria for their species:

Species	Size (Greater than or equal to)

Species	Size (Greater than or equal to)
Birch (Betula papyrifera)	30"
Beech (Fagus grandifolia)	36"
Catalpa (Catalpa speciosa)	36"
American Elm (Ulmus americana)	30"
Douglas Fir (Pseudotsuga menziesii)	40"
Grand Fir (Abies grandis)	40"
Horsechestnut (Aesculus hippocastanum)	40"
Western Hemlock (Tsuga heterophylla)	30"
Black Locust (Robinia pseudoacacia)	30"
Lombardy Poplar (Populus nigra)	38"
Pacific Madrone (Arbutus menziesii)	24"
Bigleaf Maple (Acer macrophylum)	36"
Silver Maple (Acer saccharinum)	36"
Monkey Puzzle Tree (Araucaria araucana)	36"
Monterey Pine (Pinus radiata)	30"
Oregon White Oak (Quercus garryana)	30"
Pacific Yew (Taxus brevifolia)	20"
Pin Oak (Quercus palustris)	30"
Red Oak (Quercus rubra)	38"
Ponderosa Pine (Pinus ponderosa)	30"
Western White Pine (Pinus monticola)	30"
Sitka Spruce (Picea sitchensis)	36"

Species	Size (Greater than or equal to)
Sycamore (Platanus occidentalis)	36"
English Walnut (Juglans regia)	30"
Western Red Cedar (Thuja plicata)	30"
Coast Redwood (Sequoia sempervirens)	30"
Japanese Laceleaf Maple	12"

(Ord. 2018-42 § 1, 2018: Ord. 2018-25 § 2, 2018)

16.32.030 Landmark tree retention.

A. Except as otherwise allowed under this chapter, no person, corporation, or other legal entity shall remove a landmark tree without having obtained approval from the planning director.

B. Prior to the removal of a landmark tree, any person, corporation, or other legal entity seeking to remove a landmark tree must submit an application for removal of a landmark tree to the department of planning and community development.

C. Upon receipt of an application for removal of a landmark tree, the planning director will review the application materials and consider the request based upon the criteria outlined in this chapter and any other city regulations that apply to the tree requested for removal, such as, but not limited to, Chapter 16.12 BIMC, Shoreline Master Program, Chapter 16.20 BIMC, Critical Areas, and BIMC 18.15.010, Landscaping, screening, and tree retention, protection and replacement.

D. The planning director shall approve the removal, deny the removal, or request additional information. The planning director shall only approve the removal of a landmark tree if all other applicable city regulations are met and upon a finding that at least one of the following criteria is met:

1. The removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible; or

2. The removal is necessary to maintain utilities or access, or to fulfill the terms of an easement or covenant recorded prior to the adoption of the ordinance codified in this chapter; or

3. The tree is diseased, dead, or otherwise determined to be a hazardous tree as determined by a qualified professional pursuant to BIMC 18.15.010.C.1.c.

In deciding whether the removal of a landmark tree is necessary under subsection D.1 or 2 of this section, the planning director shall consider all land use regulations applied to the subject property, such as: Chapter 15.19 BIMC, Site Assessment Review, Chapter 16.12 BIMC, Shoreline Master Program, Chapter 16.20 BIMC, Critical Areas, or any other tree retention regulations applied through a land use permit.

E. If the planning director grants an application for removal of a landmark tree upon a finding that the removal is necessary to enable construction on or reasonable use of the property, and no other alternative is feasible, then the property owner that submitted the application shall be required to provide mitigation through the planting of replacement trees on the property from which the landmark tree was removed in accordance with the following:

1. The quantity of replacement trees is calculated by multiplying the diameter breast height of the subject landmark tree by 50 percent to establish the number of replacement inches; and

2. The total number of replacement trees is determined by the total caliper inches of Replacement Trees equaling or exceeding the required tree replacement inches established in subsection E.1 of this section.

F. In lieu of planting the replacement trees prescribed in subsection E of this section, an applicant may satisfy the tree replacement requirements by:

1. Planting at least three replacement trees on the property from which the landmark tree was removed; and

2. Contributing to the Bainbridge Island tree fund at a rate of $500.00 per each replacement inch not accounted for in the planting of replacement trees; and

3. The sum of the tree replacement inches accounted for by contributing to the Bainbridge Island tree fund and the total caliper inches of the replacement trees planted shall not be less than the total replacement inches calculated in subsection E of this section. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 2, 2018: Ord. 2018-25 § 2, 2018)

16.32.040 Emergencies.

A. In emergency situations involving immediate danger to life or real property, removal of a landmark tree is permitted without first obtaining approval from the planning director; provided, that the following conditions are satisfied:

1. The person, corporation, or other legal entity that removed the landmark tree submits an application for removal of a landmark tree under this chapter within 14 days after the emergency situation is stabilized; and

2. The person, corporation, or other legal entity that removed the landmark tree provides, within 14 days after the emergency situation is stabilized, the city with documentation establishing the existence of the emergency situation, with such documentation including at least four high resolution photographs evidencing the existence of the emergency situation; and

3. The planning director subsequently approves the removal pursuant to this chapter.

B. If the conditions of subsection A of this section are not satisfied, the person, corporation, or other legal entity that removed the landmark tree without first obtaining approval from the planning director will be in violation of this chapter. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 3, 2018: Ord. 2018-25 § 2, 2018)

16.32.050 Appeals.

A. The planning director's decision on an application for removal of a landmark tree may be appealed to the hearing examiner as described in BIMC 2.16.020.R.1.

B. All appeals must be filed within 14 days following the issuance of the planning director's decision on the application. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 4, 2018: Ord. 2018-25 § 2, 2018)

16.32.060 Violations and penalties.

A. This chapter shall be enforced, and penalties for violations of this chapter will be imposed, pursuant to Chapter 1.26 BIMC, except that no notice of infraction may be issued under Chapter 1.26 BIMC for a violation of this chapter. In addition to notices of violation issued under BIMC 1.26.050 or 1.26.060, BIMC 1.26.070 will also govern the review and appeal of any notice of violation issued under Chapter 1.26 BIMC for a violation of this chapter.

B. In addition to the civil penalties imposed under BIMC 1.26.090, an additional civil penalty will be imposed on any person, corporation, or other legal entity that removes a landmark tree without prior approval of the planning director. This additional civil penalty will be in the amount of $25,000 for each landmark tree removed. The city attorney will take appropriate action to collect this additional civil penalty.

C. In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code, this chapter will govern and control. (Ord. 2018-42 § 1, 2018: Ord. 2018-32 § 5, 2018: Ord. 2018-25 § 2, 2018)

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[1] Code reviser's note: Ord. 2018-25, Section 7 states "This interim official control shall take effect immediately, and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six month periods in accordance with state law."

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (8:25 PM) Sportsman Club and New Brooklyn Intersection Design Professional Services Agreement Amendment No. 1 - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve a budget amendment in the amount of $116,071.65 from the general fund, thereby increasing the spending authority for the Sportsman Club and New Brooklyn Intersection project, and to authorize the City Manager to execute, in substantially the form attached to this agenda item, an Amendment No. 1 to the Professional Services Agreement with Skillings Connolly, Inc. for design of the Sportsman Club and New Brooklyn Intersection in the amount of $318,416.46.

SUMMARY:
Consider authorizing the City Manager to execute an Amendment No. 1 to the Professional Services Agreement with Skillings Connolly, Inc., and approval of an associated budget amendment, to prepare the proposed roundabout design for the Sportsman Club New Brooklyn Intersection.

FISCAL IMPACT:

Amount:	$318,416.46
Ongoing Cost:	
One-Time Cost:	$318,416.46
Included in Current Budget?	Yes

BACKGROUND: In March 2018, the City Council passed Resolution No. 2018-11 accepting the FHWA grant funds and authorizing the required city matching funds. The City solicited design consultants and a contract was approved with Skillings Connolly, Inc. in the amount of $49,157.93 at the May 8, 2018 City Council meeting. PSRC awarded FHWA grant funds to the City in the amount of $156,000 for design and $702,945 for construction of the Sportsman Club Road and New Brooklyn Road Intersection Improvements project.

This project will relieve current congestion and provide for long term transportation network viability. The project will also further non-motorized connectivity at the intersection supporting recent infrastructure investments in sidewalks, separated pathways, and bike lanes along the Sportsman's Club and New Brooklyn corridors.

The City's design consultant and staff held a public meeting on Thursday, October 18, 2018, at the Woodward Middle School Commons, to discuss the proposed project and gather input from the community. The Consultant presented a design analysis which concluded that a roundabout is the best design choice for this intersection.

Amendment No. 1 in the amount of $318,416.46 is needed to complete the proposed roundabout design for the intersection. The Professional Services Agreement Amendment No. 1 to complete the design is more than what was planned for in the City's 2018 and 2019 Budget. A proposed budget amendment in the amount of $116,071.65 is required and will be included in the 4th quarter budget adjustment reporting.

For more information, visit the project website at:
https://www.bainbridgewa.gov/1105/Sportsman-Club-New-Brooklyn-Intersection

ATTACHMENTS:

17248 Revised Supplemental Agreement No. 1.pdf

Resolution No. 2018-11 Sportsman Club and New Brooklyn Road Intersection Improvements Project Contingency List Funding Approved 032718.pdf

FISCAL DETAILS:

Fund Name(s): Streets Fund

Coding:

Washington State Department of Transportation

Supplemental Agreement Number 1	Organization and Address **Skillings Connolly, Inc.** **5016 Lacey Blvd. SE** **Lacey, WA 98516** **360.491.3399**
Federal Aid Number **STPUS-5307(001)**	
Project Number **17248**	Completion Date **December 31, 2021**
Project Title **Sportsman Club Rd & New Brooklyn Rd Intersection Improvements**	Maximum Amount Payable **$367,574.39**
Description of Work **Design of Roundabout and Preparation of Construction Documents (PS&E)**	

The Local Agency of **City of Bainbridge Island** desires to supplement the agreement entered into **with Skillings Connolly, Inc.** and executed on **May 9, 2018** and identified as Project No. **STPUS-5307(001)**

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.
The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Exhibit A, B, C-1, C-2, E-1, E-2 and E-3. and by this reference is made part of this Agreement.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, remains unchanged at **December 31, 2021**

III

Section V, PAYMENT, shall be amended as follows:

Original Agreement	$ 49,157.93
Supplemental Agreement No. 1	**318,416.46**
New Maximum Amount Payable	$367,574.39

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: **Skillings Connolly, Inc.**

Consultant Signature

Nov 21, 2018
Date

By: **City of Bainbridge**

Approving Authority Signature

Date

Exhibit "A"
Summary of Payments

	Basic Agreement	Supplement No 1	Total Cost
Direct Salary Cost	$12,689.89	$235,253.84	$247,943.73
Reimbursable Expenses	$892.68	$3,584.40	$4,477.08
Subconsultants	$35,575.36	$79,578.22	$115,153.58
Total	**$49,157.93**	**$318,416.46**	**$367,574.39**

EXHIBIT B
SCOPE OF WORK
SUPPLEMENTAL AGREEMENT NO. 1
CITY OF BAINBRIDGE ISLAND
NE SPORTSMAN CLUB & NE NEW BROOKLYN
ROAD INTERSECTION IMPROVEMENTS

INTRODUCTION

The work consists of engineering design and construction support for improvements to NE Sportsman Club & NE New Brooklyn Road Intersection Improvements. The project will relieve current congestion and provide long-term transportation network viability to ensure mobility for the town center by improving the intersection, sidewalks, and bike lanes at the intersection. An Intersection Control Analysis has been completed indicating a roundabout as the preferred alternative. The Work will include designing the roundabout and preparing construction documents (PS&E). The tasks will include:

- Project Management
- Public Involvement
- Survey and Mapping
- Geotechnical Investigation
- Environmental – NHPA Section 106 Evaluation
- NEPA Environmental Documentation
- Utilities Coordination
- Landscaping
- 60% PS&E
- Final Plans, Specifications, and Estimate (100% PS&E)
- Right of Way Assistance
- Construction Support

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

Project Assumptions:

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

- The preferred alternative is a roundabout as presented at the public meeting held on October 18, 2018.
- PS&E submittal within 12-months of Notice to Proceed
- This is a time and materials contract with a not to exceed maximum, without prior written authorization. The level of effort for various tasks are estimates and may vary. The contract will be managed to the contract maximum, not the task level budgets.
- Additional Right of Way will only be required from the School District and the City.
- Limits of this project is 500-feet from the existing intersection of NE New Brooklyn Rd and Sportsman Club Rd NE on all four legs.
- All plan sheets will be prepared in AutoCAD v.2018 format.
- All roadway design will be completed using Civil3D v.2018 software.
- All word documents, excel spreadsheets, project schedules will be completed using CONSULTANT's latest version of Microsoft WORD, Microsoft Excel, and Microsoft Project.
- The project will be developed as a single package. Bid alternates, bid additives, or subsequent repackaging of the project into separate phases is not included.

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

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

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

DOCUMENTS TO BE PROVIDED BY CITY OF BAINBRIDGE ISLAND

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

- Roadway and utility as-built drawings
- Existing right-of-way plans for the project area

WORK ELEMENTS

Task 10 – PROJECT MANAGEMENT

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

Assumptions:

- The Project Schedule will be in Microsoft project.
- Meetings will be by phone unless otherwise stated.

Tasks:

1. Develop a Project Schedule for the completion of the one hundred percent (100%) PS&E documents and provide up to two (2) updates.
2. Schedule, prepare for, and take part in weekly communications with the CITY.

3. In addition to weekly phone meetings, the CONSULTANT will attend face-to-face meetings with CITY staff up to once a month as requested by the CITY.
4. Provide quality control and in-house coordination.
5. CONSULTANT will manage Subconsultants.
6. CONSULTANT will prepare monthly billings with progress reports and include monthly Earned Value reports.

Deliverables:

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

Task 20 – Public Involvement

Assumptions:

- The school district will require a one-on-one property owner meeting. The one-on-one school district meeting will be up to one (1) hour in length and may require up to two (2) meetings.
- CITY will coordinate and attend the meeting(s) with the school district.
- Attend meeting with MTAC at 60% design

Tasks:

1. Task deleted
2. Prepare conceptual plans showing trail alignments and School proposed driveway location and how they integrate in the future with the CITY's project.
3. One staff member to meet with the school district to discuss project and impacts to property. Coordinate meeting(s) with CITY. Document decisions in meeting summary.
4. Meet with the CITY's Multimodal Transportation Committee following 60% design.

Deliverables:

- Presentation displays and materials
- Conceptual Plans
- School Meeting summary

Task 30 – Survey and Mapping

Project Assumptions:

- The project topographic map will be prepared in AutoCAD v.2018 format, or latest version, and Civil3D v.2018 software, or latest version.
- There is sufficient existing survey control to efficiently establish the requested work.
- Title reports for the properties abutting the intersection will be provided by our subconsultant Tierra Right of Way, Ltd (TIERRA).
- CITY will secure rights of entry to properties abutting the intersection for the CONSULTANT.
- CITY will provide horizontal and vertical datum control points and requirements. If the CITY does not provide specific horizontal and vertical datum requirements, the determination will be made by the CONSULTANT.
- Only the trees greater than 6" in diameter at 4.5' high will be located.

- Utility locates will be provided by the CITY and franchise utilities
- The CONSULTANT is not responsible for any deficiencies in the completeness of utility locate services.
- No monument preservation is included in this Scope of Work.
- Field data will support 1' contour intervals.
- Project limits: (Based off existing road alignments)
  - NE New Brooklyn Rd, 500' east of its intersection with Sportsman Club Rd NE
    - Topography to be done 100' right and left of NE New Brooklyn Rd centerline.
  - NE New Brooklyn Rd, 500' west of its intersection with Sportsman Club Rd NE
    - Topography to be done 100' right and left of NE New Brooklyn Rd centerline.
  - Sportsman Club Rd NE, 500' north of its intersection with NE New Brooklyn Rd
    - Topography to be done 100' left and left of centerline of Sportsman Club Rd NE centerline.
  - Sportsman Club Rd NE, 500' south of its intersection with NE New Brooklyn Rd
    - Topography to be done 100' left and right of Sportsman Club Rd NE centerline

In addition to the project limits described above, the southerly edge of paving of the school parking lot area to the north of the site will be included in the survey area.

Documents to be Provided by the CITY:
It is agreed that the CITY will provide the following documents and/or data to CONSULTANT for use in development of the project:

- CITY's Survey group will provide available documents for the CONSULTANT review.

Tasks to be Performed by CONSULTANT:

1. **Right of Way Alignment Research**
   In this task the CONSULTANT will perform the research necessary to establish the project's alignment and right of way.

Assumptions:
- Title reports will be provided by our subconsultant Tierra Right of Way, LTD.

Tasks:
1. Review right of way information provided.
2. Perform additional research if required.
3. Research available horizontal and vertical control in project vicinity unless provided by the CITY.
4. Review title reports for private property boundaries and owner names.
5. Produce project alignment.

Deliverables:
- Project alignment and ownership of public right of way map, including private parcel owner names and parcel boundaries.

2. **Horizontal Control and Monument Ties**

Assumptions:
- CITY has notified all adjacent landowners of upcoming project.

- It is assumed that monuments, including tax parcel corners may be destroyed or require adjusting during construction. This Scope of Work does not include establishment of reference points or recovery of impacted monuments.

Tasks:

1. Field reconnaissance and project layout.
2. Field traverse and/or GPS of required monumentation to establish horizontal control.
3. Establish all monumentation on horizontal datum provided by the CITY.
4. Adjustment of traverse data.
5. Develop hard copy base map showing all control and found monuments.
   a. List horizontal and vertical datum used.
   b. Identify points held for position and basis of bearing.
   c. Include coordinate listing.

Deliverables:

- Hard copy base map showing all control and found monuments.

3. Vertical Control and Benchmarks

Assumptions:

- Vertical control shall be based on 1988 (NAVD) unless otherwise directed by the CITY.

Tasks:

1. Research existing benchmarks in project area unless provided by the CITY.
2. Run levels between existing benchmarks to verify elevations.
3. Establish temporary benchmarks to survey site.

Deliverables:

- Vertical control listing.
- Temporary benchmarks including elevations and locations.

4. **Topographic Mapping - Field**

Assumptions:

- CITY has notified all adjacent landowners of upcoming project.
- Potholing will be completed prior to the start of Task 30.
- Utility locates will be completed prior to the start of Task 30.

Task:

1. Complete topographic survey to locate existing roadway and improvements including the following:
   a. Existing utility structures including size, type, rim, flow line elevations, pipe size and material of pipes.
   b. Stormwater/detention facilities, if any.
   c. Roadside ditches with flow line and flow direction.
   d. Drainage swales.
   e. Wetland flagging.
   f. Curbing.
   g. Raised edges.
   h. Sidewalks.

i. Signs.
j. Fences.
k. Utility poles.
l. Valves.
m. Vaults.
n. Retaining walls (top and bottom wall elevations) as accessible.
o. Traffic signal facilities.
p. Channelization stripes.
q. Trees measured 4.5-feet above grade (diameter at breast height – d.b.h.)
    i. Evergreens limited to 6".
    ii. Deciduous limited to 6".
r. Mail boxes.
s. Access locations.
t. Existing grade breaks and terrain features to produce 1' contours.

2. Review and organize field notes after daily survey activities.
3. Download and backup all electronic data collection
4. Gather detailed structure information (pipe inverts and sizes) for manholes and catch basins

Deliverables:

- Field data for base map

5. Topographic Mapping - Office

Assumptions:

- CONSULTANT's symbol and line templates will be used unless directed otherwise by the CITY.

Tasks:

1. Prepare topographic map using CONSULTANT'S standard layers, line types, and symbols.
2. Develop existing ground surface model TIN and generate 1' contours.
3. Import Right of Way Certification map (from County original or Task 40).
4. Field verify map.
5. Complete edits based on field verification.
6. Submit topographic survey (electronic files) to Project Lead.

Deliverables:

- Topographic map to CITY in CAD.

6. Right of Way Certification Map

Tasks:

1. Calculate section subdivisions and right of way centerlines.
2. Calculate existing right of way widths and parcel lines.
3. Calculate existing easements.
4. Certify and stamp Right of Way Certification map by PLS.

Deliverables:

- Right of Way Certification map.

Task 40 – Geotechnical Investigations

Subconsultant Aspect Consulting, LLC (ASPECT) will complete a geologic reconnaissance and subsurface investigations across the Site to characterize the subsurface conditions and complete geotechnical engineering analyses and design criteria for new cut and fill walls, key earthwork considerations, new pavement sections, and cursory stormwater infiltration feasibility. ASPECT will prepare and submit a geotechnical engineering report summarizing the results of our explorations, analyses, conclusions, and recommendations.

1. **Geologic Reconnaissance**
   Subconsultant will coordinate and execute a geologic reconnaissance to observe the current Site and near-Site conditions as well as evaluate access for and plan our subsurface explorations for the Project. Our reconnaissance will be performed by traversing the accessible portions of the Site and near-Site areas and noting the existing pavement conditions, slope inclinations and visible geologic features such as outcrops, scarps, vegetation patterns, drainage characteristics, and springs.

2. **Drilled Soil Borings**
   Subconsultant will coordinate with the CONSULTANT on the boring locations and assume the borings will be located along the existing roadway in the right-of-way (ROW) and in areas adjacent to the ROW to the northwest, southwest, and southeast of the intersection. ASPECT will subcontract with a traffic control contractor to prepare a traffic control plan and to provide signage, markers, and flaggers for a lane closure during our explorations. We will mobilize a drilling subcontractor to the Site to complete five exploratory borings, totaling approximately 125 linear feet of drilling, during a two-day exploration program.

   The borings will be advanced using hollow stem auger techniques from a truck-mounted drill rig within the ROW and with a limited access, track-mounted or hand-portable auger drill rig outside the ROW. Disturbed samples will be obtained in accordance with Standard Penetration Test (SPT) methods. One boring will be within the southbound lane or shoulder of Sportsman Club Road NE north of the intersection, one boring will be within the westbound lane of NE New Brooklyn Road east of the intersection, two borings will be located outside the ROW in the sloping area northwest of the intersection, one boring will be located in CITY owned property southeast of the intersection. The borings will be drilled to fully penetrate the existing roadway embankment fill and will continue a minimum of approximately 10-feet into native, dense soils.

   During ASPECTs geologic reconnaissance, we will mark the boring locations in white paint and/or stakes for planning and utility locating. We will use the public one-call utility locating service and also subcontract with a private utility locating service to clear the proposed areas of the borings. We will take reasonable precautions to reduce the potential for damage to utilities; however, ASPECT does not assume responsibility for the cost of repairing utilities that are unmarked or incorrectly marked.

   The drilled soil borings will be supervised and logged by an ASPECT field engineer or field geologist and used to directly observe subsurface soil and groundwater conditions. Where applicable, the existing pavement section will be measured and recorded. No quantitative specialty pavement subgrade testing will be completed. Samples of the encountered soils will be collected for additional observation and laboratory testing. The borings will be backfilled with bentonite chips per Washington State Department of Ecology regulations and with surface patching to match the surrounding conditions.

ASPECT assumes CITY will coordinate and provide ready access for the subsurface explorations, along with any required coordination with individual landowners and the local jurisdictions regarding public notification of the field work. We assume only the standard drilling permits (such as right-of-way permits) is required. Any other permit will be provided by the CITY at no cost to ASPECT. We assume that there are no field work schedule constraints (such as school or bus schedules) that would preclude completion of the exploration field work over two full, consecutive working days. Drill cuttings will be drummed and hauled off-Site. This work does not include restoration (other than backfilling and pavement patching as needed) or revegetation of areas cleared for drill rig access.

3. **Laboratory Testing**
   Soil samples obtained from the borings will be placed in air-tight containers and transported to ASPECT's geotechnical laboratory in Seattle for further examination. Selected samples will be submitted for laboratory testing of index and engineering properties. Tests may include natural moisture content; grain size distribution; Atterberg Limits (if fine-grained cohesive soils are encountered); and proctor tests. All of the tests will be completed in accordance with appropriate ASTM standards.

4. **Geotechnical Engineering Analyses and Reporting**
   Using the results of the field explorations and laboratory testing, ASPECT will conduct geotechnical engineering analyses for the proposed retaining walls, new pavement sections, key earthwork considerations, and will provide a qualitative opinion of stormwater infiltration feasibility at the Site. We will summarize our findings, geotechnical engineering analyses, and design conclusions and recommendations in a draft geotechnical engineering report that will include the following:
   - Project and Site description
   - Results of the geologic reconnaissance and subsurface explorations
   - Exploration logs and a Site plan showing approximate exploration locations
   - Laboratory test results
   - Determination of suitable cut and fill retaining wall alternatives
   - Design considerations for retaining walls including design earth pressures, foundation bearing capacity, global and local wall stability. Design parameters for gravity walls and MSE walls will be developed
   - Pavement section recommendations
   - Earthwork considerations
   - Qualitative opinion of stormwater infiltration feasibility at the Site

   Deliverables: After receiving review comments on the draft geotechnical engineering report from the CONSULTANT and the CITY, ASPECT will issue a final geotechnical engineering report.

   ASPECT assumes that a base map for the Site plan will be provided by the CONSULTANT for use in our analyses and inclusion in our report. We assume traffic estimates will be the same as used in the intersection analysis to develop our pavement section design recommendations. We have assumed one round of draft report revisions in our scope where we assume you will provide a consolidated set of written comments on the draft report for resolution and incorporation into the final report.

5. **Geotechnical Support During Final Design**
   ASPECT will support the CONSULTANT during the design phase of the project by providing input to geotechnical related aspects of the plans and specifications. We will provide input as requested during PS&E development. It is assumed that our total PS&E support work will require up to 10 labor hours.

6. **ASPECT Project Management**
   ASPECT will provide correspondence and support to the CONSULTANT and participate in up to two in-person meetings at the CITY during the design of the project. ASPECT will manage their work and that of their subcontractors. ASPECT will correspond with the CONSULTANT as needed with respect to contracts, insurance certificates, billing cycles, etc.

Task 50 – Environmental – NHPA Section 106 Evaluation

Assumptions:

- A Section 106 survey will be required.
- Work will be conducted by TIERRA, subconsultant to the CONSULTANT.
- This analysis will be included in the NEPA Categorical Exclusion Document to partially satisfy Section 106 requirements.
- CITY will be responsible for obtaining right-of-entry to off right-of-way properties. CITY will obtain any required right-of-entry permits.
- Reference DAHP APE Concurrence, 7/2/18.

Tasks (if required):

1. Conduct background research using the Washington State Department of Archaeology and Historic Preservation (DAHP) online database, WISAARD.
   a. To determine what previous studies have been conducted within and in the vicinity of the project area.
   b. Identify previously recorded cultural resources in the project vicinity.
2. Conduct background research using historic maps to gather historic land use data.
3. Conduct background research to gather ethnographic period and historic period land use data.
4. Conduct background research using Bainbridge Island data to identify buildings 50 years old or older.
5. Upon approval of the Work Plan, TIERRA will arrange for utility locates to be marked out prior to conducting field work.
6. Upon completion of utility locates, TIERRA will conduct an archaeological pedestrian survey and shovel probing within the APE.
   a. Conduct pedestrian survey at 20-meter intervals within the APE
   b. Seek out and examine ground exposures.
   c. Excavate up to twenty-five (25) archaeological shovel probes, as feasible and depending on the presence/absence of subsurface utilities within the ROW.
   d. Document areas of pedestrian survey and shovel probe locations using GPS device.
7. If archaeological materials are found:
   a. Document the location and materials found on a Washington Archaeological Site Inventory form.
   b. Photograph site and provide sketch map.
   c. Document location via GPS.
8. Since the project is within an existing ROW, no historic buildings, structures, or objects will be impacted. No architectural survey is recommended.
9. Prepare a Final Cultural Resources Technical Report.
   a. One draft report will be submitted to the CONSULTANT and the CITY for comment.
   b. Upon receipt of comments a draft report will be prepared for submittal to WSDOT for review.

c. Upon receipt of comments an electronic final report will be prepared for submittal to the CITY, WSDOT and DAHP.

10. CONSULTANT will review the report for completeness and suitability.

Deliverable:

- Two drafts and one final Cultural Resources Inventory Report summarizing the results of the research and fieldwork.
  - Report will reflect professional standards for format and content as expressed in the guidelines prepared by DAHP.
  - Report will include archaeological site records and historic property inventory forms if necessary
- The report will include such tables, maps, photographs, and other graphics as are needed to depict the full scope of the study and results.

Task 60 – NEPA Environmental Documentation

Environmental documentation via a draft NEPA Categorical Exclusion Document will be developed for CITY review. This document will include all environmental data developed specific to the intersection improvements.

The CITY may use the DRAFT NEPA Categorical Exclusion Document for submittal to WSDOT at about the 60% design stage or when comfortable there will no longer be any design revisions that change environmental impacts.

Assumptions:

- This Task provides environmental documentation for intersection improvements. Documents may need to be revised at a later stage in the design to reflect final design conditions. These DRAFT documents will be prepared:
  - NEPA Checklist (NEPA Categorical Exclusion Document)
  - SEPA Checklist will be required; CITY will be SEPA Lead Agency
  - Appropriate discipline evaluation for the NEPA Categorical Exclusion Document
  - No Effect Letter to satisfy Endangered Species Act (ESA) requirements
- It is assumed that there are not aquatic resources or other critical areas within the project area. This Scope of work does not include identification, delineation, or evaluation of aquatic resources.
- It is assumed that the project area does not provide Critical Habitat or use by species listed as Threatened or Endangered under ESA.
- NEPA documentation is expected to be a Documented Categorical Exclusion (DCE).
- It is assumed that removal of trees within the project area will be offset through vegetative planting completed under the landscaping design task (Task 80). No additional vegetative mitigation plans will be completed under this Scope of Work.
- CONSULTANT will provide Cultural Resource Survey and Endangered Species Act No Effect Letter to the CITY.
- CITY will prepare NEPA and SEPA Documentation.

Tasks:

1. Provide coordination with TIERRA for cultural resources study, if required.

2. CITY will prepare a DRAFT NEPA Categorical Exclusion Document outlining potential effects to the natural and built environment that will result in a Documented Categorical Exclusion (DCE).

3. CONSULTANT will prepare
   a. Section 106 Cultural Survey (Completed under Task 50),
   b. Endangered Species Act No Effect Letter
4. Task deleted.
5. CITY will complete the final NEPA and submit to WSDOT for the DCE.
6. Task deleted.
7. CITY will prepare SEPA.
8. CONSULTANT will prepare an Environmental Commitment Letter that documents all environmental mitigation or commitments identified during the NEPA and SEPA documentation.

Deliverables:

- No Effect Letter
- Environmental Commitment Letter

Task 70 –Utilities Coordination

Within the project limits, there are several existing utilities that will be affected by the reconfiguration of the intersection.

Assumptions:

- CITY will coordinate with all utilities. This includes but is not limited to Puget Sound Energy, CenturyLink, and Comcast. None of these utilities will be required to be placed underground. PSE may require one or more of their transmission line poles to be relocated.
- CONSULTANT will call the One-call service. One-call services will locate the underground utilities
- CONSULTANT will arrange for pot-holing of underground utilities.
- CONSULTANT shall use APS for pot holing of underground utilities.

Tasks:

1. CITY to provide available utility as-built plans to the CONSULTANT.
2. CONSULTANT will coordinate with the CITY on utility relocations.

Task 80 – Landscaping

Assumptions:

- To be provided by CITY.

Task 90 – 60% PS&E

This effort will include preliminary roadway alignments, roadway cross-sections, intersection layouts, and retaining wall locations and options: (Wall Type, Size and Location).

Assumptions:

- CONSULTANT will do structural design and detailing of retaining walls, if needed.
- Stormwater design will be per the Department of Ecology's *Stormwater Manual for Western Washington and BIMC.* The geotechnical report has been completed in Draft form.
- It is assumed that the only right of way acquisition will be from the School District and the CITY.
- Special provisions will be prepared utilizing WSDOT specification format.

Tasks:

1. **Design Memo:** The CONSULTANT shall prepare a Design Memo summarizing key design elements and decisions for the intersection of NE New Brooklyn Rd and Sportsman Club Rd NE. Subconsultant TSI will provide initial geometrics.
2. **Retaining Walls:** The CONSULTANT shall prepare a Retaining Wall Memo providing our recommendations and location of retaining walls. Locations shall be provided for the 60% PS&E submittal. Design of non-structural retaining walls shall be provided for the 100% submittal. If structural wall designs are required, those services will be negotiated separately as a supplement to this Agreement.
3. **Stormwater/water quality design:**
   a. Site visit to review existing stormwater/water quality process.
   b. Determine threshold discharge areas (TDA) and prepare maps of TDA.
   c. Determine the design storm and runoff volume.
   d. Calculate area of new impervious and replaced hard surfaces.
   e. Determine if detention/retention or treatment is required.
   f. Design detention/retention and/or treatment system(s) as required.
   g. Prepare stormwater site plan
   h. Prepare SWPPP.
   i. Apply for coverage under Statewide General Stormwater Construction Permit via on-line application portal.
   j. Prepare stormwater conveyance calculations and sizing
   k. Prepare stormwater memo
4. Prepare Quantities Notebook.
5. Prepare 60% Engineer's Estimate of Probable Costs to Construct.
6. Prepare Draft GSPs and Draft Special Provisions.
7. Set-up and update Design Notebook.
8. Prepare Right of Way Plan.
9. Provide QA and QC and project coordination.
10. Subconsultant TSI will provide a peer review of plans.
11. Plan Submittal: The CONSULTANT will submit the following anticipated plan sheets.

Plan Sheet	60% Submittal	100% Submittal
Cover with Vicinity Map and Index	1	1
Roadway Sections	1	1
Demo, TESC, and Intersection Grading Plan	5	5
Alignment and Right of Way Plans	1	1
Plan and Profile Sheets	5	5
Roundabout Details	2	2
Stormwater Treatment	1	1
Structure Note Sheet	1	1
Stormwater Details	1	1
Retaining Wall Plan & Profile	0	3

Plan Sheet	60% Submittal	100% Submittal
Retaining Wall Details	0	1
Miscellaneous Details	2	2
Illumination, Signing, Striping Plans	5	5
Sign Specifications and Details	1	1
Temporary Traffic Control Plans	2	2
Detour Plan	3	3

Deliverables:

- Design Memo
- Retaining Wall Memo
- Draft Stormwater Memo
- One (1) half size plans and one (1) electronic set of 60% PS&E to CITY for review.
- Right of Way Plan sheets.
- Draft General Stormwater Construction Permit coverage application

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

Assumptions:

- CITY will provide one set of comments on the 60% PS&E.
- ROW lines will be delineated on the construction drawings.
- Plan sheets anticipated for 100% are shown under Task 90 (60% PS&E).
- CITY will provide their "boiler plate" format for bid package
- CONSULTANT will supply the bid proposal form for the bid package.
- CONSULTANT will provide only one update to any portion of the 100% PS&E package after the initial submittal of the 100% PS&E to the CITY.
- An Engineer's Estimate for the Probable Cost to Construct will be prepared that lists all of the project bid items, showing contract item number, unit of measurement, estimated unit price, estimated quantity, and total estimated cost for each.
  - The total project cost will be shown on this estimate.
  - This estimate will be used as the basis of review for the lowest responsive responsible bidder.

Tasks:

1. Respond to CITY and MTAC comments on 60% PS&E.
2. Complete Plan sheets as shown under Task 90 for 100%.
3. Complete specifications package.
   a. WSDOT Amendments and GSP "run list" and fill-ins.
   b. Special Provisions.
   c. Required Federal-aid documents.
   d. State and Federal prevailing wage documents.
4. Constructability review by our experienced construction inspectors.
5. Review PS&E with CITY via face-to-face meeting or electronic plans submittal.
6. Calculate final quantities and develop a quantity calculations notebook.
7. Prepare Engineer's Estimate of Probable Costs to Construct.
8. Submit package to CITY for their review and approval as necessary:
   a. 100% PS&E
   b. Environmental clearance.

9. Review CITY and WSDOT comments on 100% PS&E.
10. Revise plans and specifications up to one time in response to CITY and WSDOT review comments.
11. Prepare Final Design Documentation files.
12. Provide QA/QC and project coordination
13. Subconsultant TSI will provide a peer review of final plans.
14. Make minor adjustments to Bid Package (revised 100% PS&E) as reviewed by the CITY up to one time.

Deliverables:

- Final Stormwater Memo.
- Final Wall Memo.
- SWPPP.
- One (1) half size plans and one (1) electronic set of 100% PS&E to CITY for review.
- After WSDOT and CITY review, 2 half size plans package of Final Bid Package (100%PS&E) (pdfs, CAD files, Word files (.docx), and Estimate in Excel.)
- Copy of Quantity calculation notebook

Task 110 – Right of Way Assistance

Tierra Right of Way, Ltd. (TIERRA) as a subconsultant will perform acquisition services in accordance with Federal, State, and local laws, including the Uniform Act, WSDOT Right of Way Manual, Local Agency Guidelines manual, and Chapter 8.26 RCW.

1. **Project Kickoff** - TIERRA's Project Manager and/or Lead Senior Right of Way Agent (TIERRA) to attend kick-off meeting with the CONSULTANT and the CITY to obtain further project background and discuss the approach or options for each property owner and tour the project site. TIERRA will use WSDOT LAC FHWA approved templates which are located at http://www.wsdot.wa.gov/LocalPrograms/ROWServices/LPA-forms.htm.

2. **Title** - TIERRA will conduct initial review of title report to assess potential complications at closing and any conflicts from utility encumbrances, etc., that may pose obstacles or delays to the acquisition closing process. This information will be shared with the CONSULTANT in the form of a summary/synopses and TIERRA will work with the escrow company to resolve any further action necessary.

3. **Project Funding Estimate** & **Administrative Offer Summaries** - TIERRA will subcontract and manage the appraisal process with a WSDOT approved and state licensed appraiser. The Appraisal Subconsultant to TIERRA will prepare the Project Funding Estimate (PFE), and the administrative offer summary (AOS).
    a. The PFE will be prepared in accordance with the CITY's approved Right of Way Acquisition procedures and WSDOT's Right of Way Manual and the Local Agency Guidelines. As part of the PFE, an individual parcel worksheet will be prepared to estimate the amount of just compensation using confirmed comparable sales data determined by the appraiser and information obtained from the ROW plans. All PFE parcel worksheets will be combined into a project summary worksheet for review by TIERRA.
    b. Completed AOS worksheets will be submitted to the CITY for written approval establishing the amounts of just compensation to be offered the property owner.

4. **Negotiations** – TIERRA agents will perform and oversee property negotiations for one parcel. The offer will be presented in person, if possible. Any out-of-area owner will be contacted by telephone and by certified mail.

    1. TIERRA will:
        a. Evaluate the appraisal(s), parcel map(s), title report(s) and prepare each file electronically and physically.
        b. Prepare one offer package and promptly present offer to purchase the required real property interests.
        c. Offer package to include: offer letter, copy of the appraisal and review, easement document, exhibits and other related acquisition documents using WSDOT approved forms.
    2. Offer Presentation: TIERRA will contact the property owner and meet the owner in person to present to discuss the project. After the offer is presented to each property owner, TIERRA will attempt to make three "in- person" meetings with a property owner and five follow-up conversations, which will be via email or phone conversation, to complete negotiations
    3. Administrative Settlement: If necessary and properly supported and when negotiation amounts exceed the just compensation amount, TIERRA will make recommendations for administrative settlements. Subject to CITY's approval, TIERRA will attempt to secure administrative settlements with property owners to avoid the condemnation process.
    4. Prepare file for closing.
    5. Prepare and maintain diaries.
    6. Prepare and provide status updates monthly or per the request of the CONSULTANT.
    7. Upon receipt of signed conveyance documents, TIERRA will forward the documents to the CONSULTANT.
    8. Agent QA files for submittal to Project Manager.

5. **Project Management**
    1. TIERRA to report acquisition status bi-weekly to the CONSULTANT.
    2. Provide project management in coordination with the CONSULTANT.
    3. Monitor project budget and schedule.
    4. Maintain a physical hardcopy file for each parcel for submittal to the CITY upon completion.
    5. QC of files will be performed prior to submittal to the CITY at completion.

Deliverables:

- Attend project kickoff meeting.
- TIERRA will order the title commitment and work with the title/escrow Company to obtain release documentation from the encumbrance(s) of public record that are not acceptable to provide clear title to the property being acquired.
- Title reports for the properties abutting the intersection will be provided to the CONSULTANT and CITY.
- Review appraisal and review appraisal
- Prepare one acquisition file for negotiations.
- For the negotiation, provide up to three attempts in person and five follow up conversations via email or telephone.
- Attend conference calls with the CONSULTANT weekly or as needed
- Complete, QA/QC parcel files, including necessary records of all ROW Acquisition services

CONSULTANT Deliverables:

- The CITY will decide which encumbrances need to be cleared. This may involve a discussion of risk as related to existing Deeds of Trust and/or other monetary encumbrances.
- Right of Way Plan sheets.
- Legal description and parcel map exhibit.

Task 115 – BID SUPPORT SERVICES

CONSULTANT will assist the CITY through the bidding and award process.

Assumptions:

The CITY will:

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

The CONSULTANT will:

- Not Attend Bid Opening
- Not Review Bid Tabulation.

Tasks:

1. CONSULTANT will provide assistance through bidding and award. This work is expected to include:
   a. Respond to bidder's questions.
   b. Prepare up to two (2) addenda.

END SCOPE OF WORK

Additional Services that will be scoped by the CONSULTANT if requested by the CITY:

- Construction Support Services including material testing and inspections.

Prepared by: _____ 11/21/2018
Michael Horton, PE

Reviewed by: _____ 11/21/2018
Thomas E. Skillings, PE

EXHIBIT C-1
CONSULTANT COST COMPUTATION – MAN-HOURS

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
10	**PROJECT MANAGEMENT**															
1	Develop a Project Schedule for the completion of the 100% PS&E documents and provide up to two (2) updates.		3	9												
2	Schedule, prepare for, and take part in weekly communications with the City.		26	26												
3	In addition to weekly phone meetings, the Consultant will attend face-to-face meetings with staff up to once a month as requested by the City.		27	27												
4	Provide quality control and in-house coordination.	12														
5	Consultant will manage Subconsultants.		5													5
6	Prepare monthly billings with progress reports and include monthly Earned Value Report.		12													16
20	**PUBLIC INVOLVEMENT**															
1	Task Deleted															
2	Prepare conceptual plans showing trail alignments and School proposed driveway location and how they integrate in the future with the City's project.		2	4					8	16						
3	Meet with the school district to discuss project and impacts to property. Coordinate meeting with City. Coordinate meeting with City. Document decisions in meeting summary.		6													
4	Meet with the City's Multimodal Transportation Committee (MTAC) following 60% design.		8													
30	**SURVEY AND MAPPING**															
30.1	**Right of Way Alignment Research**															
1	Review right of way information provided.										2					
2	Perform additional research if required.										2					
3	Research available horizontal and vertical control in project vicinity unless provided by City.										2					
4	Review title reports for private property boundaries and owner names.										5					

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
5	Produce project alignment and Right of Way Map.										10		16			
30.2	**Horizontal Control and Monument Ties**															
1	Field reconnaissance and project layout.													2		
2	Field traverse and/or GPS of required monumentation to establish horizontal control.													15		
3	Establish all monumentation on horizontal datum provided by the City.										1	1				
4	Adjustment of traverse data.										4					
5	Develop hard copy base map showing all control and found monuments.											2	4			
a	List horizontal and vertical datum used.											1				
b	Identify points held for position and basis of bearing.											1				
c	Include coordinate listing.												4			
30.3	**Vertical Control and Benchmarks**															
1	Research existing benchmarks in project area unless provided by the City.										1	2				
2	Run levels between existing benchmarks to verify elevations.													5		
3	Establish temporary benchmarks to survey site.													1		
30.4	**Topographic Mapping - Field**															
1	Complete topographic survey to locate existing roadway and improvements including the following:													50		
a	Existing utility structures including size, type, rim flow line elevations, pipe size and material of pipes.															
b	Stormwater/detention facilities, if any.															
c	Roadside ditches with flow line and flow direction.															
d	Drainage swales.															
e	Wetland flagging.															
f	Curbing.															
g	Raised edges.															
h	Sidewalks.															
i	Signs.															
j	Fences.															
k	Utility poles.															
l	Valves.															

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
m	Vaults.															
n	Retaining walls (top and bottom wall elevations) as accessible.															
o	Traffic signal facilities.															
p	Channelization stripes.															
q	Trees measured 4.5-feet above grade (diameter at breast height - d.b.h.)															
	i. Evergreens limited to 6"															
	ii. Deciduous limited to 6".															
r	Mail boxes.															
s	Access locations.															
t	Existing grade breaks and terrain features to produce 1' contours.															
2	Review and organize field notes after daily survey activities.															
3	Download and backup all electronic data collection.															
4	Gather detailed structure information (pipe inverts and sizes) for manholes and catch basins.															
30.5	**Topographic Mapping - Office**															
1	Prepare topographic map using Consultant's standard layers, line types, and symbols.											16	24			
2	Develop existing ground surface model TIN and generate 1' contours.											4				
3	Import Right of Way Certification map (from County original or Task 40).															
4	Field verify map.										10					
5	Complete edits based on field verification.											4	4	20		
5	Submit topographic survey (electronic files) to Project Lead.											1	1			
30.6	**Right of Way Certification Map**															
1	Calculate section subdivisions and right of way centerlines.										4					
2	Calculate existing right of way widths and parcel lines.										4		8			
3	Calculate existing easements.										4		8			
4	Certify and stamp Right of Way Certification map by PLS.										24	8				

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TASK #	**TASK DESCRIPTION**															
40	**GEOTECHNICAL INVESTIGATIONS - TO BE COMPLETED BY ASPECT CONSULTING**															
1	Geologic Reconnaissance,															
2	Drilled Soil Borings.															
3	Laboratory Testing.															
4	Geotechnical Engineering Analyses and Reporting.	1	1	2					2							
5	Geotechnical Support During Final Design.															
6	Project Management.															
50	**NHPA SECTION 106 EVALUATION - TO BE COMPLETED BY TIERRA ROW**															
1	Conduct background research using the Washington State Department of Archaeology and Historic Preservation (DAHP) online database, WISAARD.															
a	To determine what previous studies have been conducted within and in the vicinity of the project area.															
b	Identify previously recorded cultural resources in the project vicinity.															
2	Conduct background research using historic maps to gather historic land use data.															
3	Conduct background research to gather ethnographic period and historic period land use data.															
4	Conduct background research using Bainbridge Island data to identify buildings 50 years old or older.															
5	Upon approval of the Work Plan, Tierra ROW will arrange for utility locates to be marked out prior to conducting field work.															
6	Upon completion of utility locates, Tierra ROW will arrange for utility locates to be marked out prior to conducting field work.															
a	Conduct pedestrian survey at 20-meter intervals with the APE.															
b	Seek out and examine ground exposures.															

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TASK #	**TASK DESCRIPTION**															
c	Excavate up to twenty-five (25) archaeological shovel probes, as feasible and depending on the presence/absence of subsurface utilities within the Right of Way.															
d	Document areas of pedestrian survey and shovel probe locations using GPS device.															
7	If archaeological materials are found:															
a	Document the location and materials found on a Washington Archaeological Site Inventory form.															
b	Photograph site and provide sketch map.															
c	Document location via GPS.															
8	Since the project is within an existing ROW, no historic buildings, structures, or objects will be impacted. No architectural survey is recommended.															
9	Prepare a Final Cultural resources Technical Report.															
a	One draft report will be submitted to the Consultant and the City for comment.															
b	Upon receipt of comments a draft report will be prepared for submittal to WSDOT for review.			2												
c	Upon receipt of comments an electronic final report will be prepared for submittal to the City, WSDOT, and DAHP.		1	2												
10	Consultant will review the report for completeness and suitability.						2									
60	**NEPA ENVIRONMENTAL DOCUMENTATION**															
1	Provide coordination with Tierra ROW for cultural resources study, if required.					2										
2	CITY to Provide															
a	Section 106 Cultural Survey (Completed under Task 50)															
b	Endangered Species Act No Effect Letter.					1	2	12								
3	Submit a draft for City review and comment.							2								
4	CITY to Provide															

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
5	CITY to Provide															
6	CITY to Provide															
7	Prepare an Environmental Commitment Letter that documents all environmental mitigation or commitments identified during the NEPA and SEPA documents.						2									
70	**UTILITIES COORDINATION**															
1	City to provide available utility as-built plans to the Consultant.		2	8												
2	Consultant will coordinate with the City on utility relocations.		2	8												
80	**LANDSCAPING - TO BE COMPLETED BY CITY**															
90	**PLANS, SPECIFICATIONS, AND ESTIMATE (60% PS&E)**															
90.1	**Design Memo**															
1	Consultant and Subconsultant TSI shall prepare a Design Memo summarizing key design elements and decisions for the intersection of NE New Brooklyn Rd and sportsman Club Rd NE.		2	4												
90.2	**Retaining Walls**															
1	Consultant shall prepare a Retaining Wall Memo providing our recommendations and location of retain walls. Locations shall be provided for the 60% submittal. Design of non-structural retaining walls shall be provided for the 100% submittal. If structural wall designs are required, those services will be negotiated separately as a supplement to this Agreement.			2					8	8						
90.2	**Stormwater/Water Quality Design**															
1	Site visit to review existing stormwater/water quality process.				8				8							
2	Determine Threshold Discharge Areas (TDA) and prepare maps of TDA.				1				4	8						
3	Determine the design storm and runoff volume.				1				16							
4	Calculate area of new impervious and replaced hard surfaces.				1				4							

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
5	Determine if detention/retention or treatment is required.				1				4							
6	Design detention/retention and/or treatment system(s) as required.				1				12	4						
7	Prepare stormwater site plan.				4				16	16						
8	Prepare SWPPP.								4							
9	Apply for coverage under Statewide General Stormwater Construction Permit via online application portal.				1				2							
10	Prepare stormwater conveyance calculations and sizing.				1				16							
11	Prepare stormwater memo.		1		4				8							
90.4	**Quantities Notebook**															
1	Prepare Quantities Notebook.				2				16	16						
90.5	**Engineer's Estimate of Probable Cost to Construction.**															
1	Prepare 60% Engineer's Estimate of Probable Cost to Construction.		1		8				8							
90.6	**Draft GSPs and Draft Special Provisions.**															
1	Prepare Draft GPSs and Draft Special Provisions.				40				16							
90.7	**Design Notebook**															
1	Set-up and update Design Notebook.				2				24							
90.8	**Right of Way Plan**															
1	Prepare Right of Way Plan				2				8	16						
90.9	**QA/QC**															
1	Provide QA/QC and project coordination.		8		16				8							
90.10	**Peer Review**															
1	TSI to perform Peer Review								4							
90.11	**Plan Submittal**															
1	Submit anticipated plan sheets.				32				80	190						
100	**FINAL PLANS, SPECIFICATIONS, AND ESTIMATE (100% PS&E)**															
100.1	Respond to City and MTAC comments on 60% PS&E.		2		4				16	16						
100.2	Complete Plan sheets as shown under Task 90 for 100%.		8		16				45	95						
100.3	Complete specifications package.															
a	WSDOT Amendments and GSP "run list" and fill-ins.				4				8							

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
b	Special Provisions.				12				27							
c	Required Federal-aid documents.				1				1							
d	State and Federal prevailing wage documents.								2							
100.4	Constructability review by our experienced construction inspectors.		8												40	
100.5	Review PS&E with City via face-to-face meeting or electronic plans submittal.		8		8											
100.6	Calculate final quantities and develop a quantity calculations notebook.				8				24							
100.7	Prepare Engineer's Estimate of Probable Costs to Construct.		2		8				16							
100.8	Submit package to CITY for their review and approval as necessary.															
a	100% PS&E				8				16	32						
b	Environmental clearance.								4							
100.9	Review City and WSDOT comments on 100% PS&E.				8				16	32						
100.10	Revise plans and specifications up to one time in response to City and WSDOT review comments.		2		4				8							
100.11	Prepare Final Design Documentation files.				2				8							
100.12	Provide QA/QC and project coordination.		4		8				16	16						
100.13	Subconsultant TSI will provide a peer review of final plans.				2											
100.14	Make minor adjustments to Bid Package (revised 100% PS&E) as reviewed by the City up to one time.		2		4				8	8						
110	**RIGHT OF WAY ASSISTANCE TO BE COMPLETED BY TIERRA ROW**															
110.1	**Project Kickoff**															
1	Attend kickoff meeting with Consultant and City to obtain further project background and discuss the approach or options for each property owner and tour the project site.		4													

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
110.2	**Title**															
1	Conduct initial review of title report to assess potential complications at closing and any conflicts from utility encumbrances, et., that may pose obstacles or delays to the acquisition closing process. This information will be shared with the Client in the form of a summary/synopses and Tierra will work with the escrow company to resolve any further action necessary.															
110.3	**Project Funding Estimate & Administrative Offer Summaries**															
1	Tierra will subcontract and manage the appraisal process with a WSDOT approved and state licensed appraiser. The appraisal subconsultant to Tierra will prepare the Project Funding Estimate (PFE) and the Administrative Offer Summary (AOS).															
a	The PFE will be prepared in accordance with the City's approved Right of Way Acquisition procedures and WSDOT's Right of Way Manual and the Local Agency Guideline. As part of the PFE, an individual parcel worksheet will be prepared to estimate the amount of just compensation using confirmed comparable sales data determined by the appraiser and information obtained from the ROW plans. All PFE parcel worksheets will be combined into a project summary worksheet for review by Tierra.															
b	Completed AOS worksheets will be submitted to the City for written approval establishing the amounts of just compensation to be offered the property owner.															
110.4	**Negotiations**															
1	Tierra agents will perform and oversee property negotiations for one parcel. The offer will be presented in person if possible. Any out-of-area owner will be contacted by telephone and by certified mail.															

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
a	Evaluate the appraisal(s), parcel map(s), title report(s) and prepare each file electronically and physically.															
b	Prepare one offer package and promptly present offer to purchase the required real property interests.															
c	Offer package to include: offer letter, copy of the appraisal and review, easement document, exhibits and other related acquisition documents using WSDOT approved forms.															
2	Offer Presentation: Tierra will contact the property owner and meet the owner in person to attempt to make three "in-person" meetings with a property owner and five follow-up conversations, which will be via email or phone conversation, to complete negotiations.															
3	Administrative Settlement: If necessary and properly support and when negotiation amounts exceed the just compensation amount, Tierra will make recommendations for administrative settlements. Subject to City's approval, Tierra will attempt to secure administrative settlements with property owners to avoid the condemnation process.															
4	Prepare file for closing.															
5	Prepare and maintain diaries.															
6	Prepare and provide status updates month or per the request of the CONSULTANT.															
7	Upon receipt of signed conveyance documents, Tierra will forward the documents to the Client.															
8	Agent QA files for submittal to Project Manager															
110.5	**Aspect's Project Management**															
1	Report acquisition status bi-weekly to the Consultant.															
2	Provide project management in coordination with the Consultant.		4													
3	Monitor project budget and schedule.															

17248 CITY OF BAINBRIDGE ISLAND SPORTSMAN CLUB ROAD & NEW BROOKLYN ROAD INTERSECTION FINAL DESIGN		PRINCIPAL-IN-CHARGE	SENIOR PROJECT MANAGER	SENIOR PROJECT ENGINEER	PROJECT ENGINEER	ENVIRONMENTAL MANAGER	SR ENVIRONMENTAL SCIENTIST	PROJECT SCIENTIST	ENGINEER	TECHNICIAN	SURVEY MANAGER	SURVEY TECHNICIAN	SURVEY DRAFTER	2 MAN SURVEY CREW	CONSTRUCTION INSPECTOR	PROJECT ADMINISTRATOR
TASK #	**TASK DESCRIPTION**															
4	Maintain a physical hardcopy file for each parcel for submittal to the City upon completion.															
5	QC of files will be performed prior to submittal to the City at completion.		2													
115	**BID SUPPORT SERVICES**															
1	Consultant will provide assistance through bidding and award. This work is expected to include:															
a	CITY to Provide															
b	Respond to bidder's questions.				8				8							
c	Prepare up to two (2) addenda.				4				16	16						
d	CITY to Provide															
e	CITY to Provide															
f	CITY to Provide															
120	**CONSTRUCTION SERVICES**															
	Construction services will be negotiated separately as another amendment to this agreement.															
	HOURS PER DISCIPLINE	**13**	**153**	**94**	**234**	**3**	**6**	**14**	**515**	**489**	**73**	**40**	**69**	**93**	**40**	**21**

EXHIBIT C-2
CONSULTANT COST COMPUTATION – SUMMARY

NEGOTIATED HOURLY RATE (NHR):						
Classification	Man Hours	x	Rate	=	Cost	
PRINCIPAL-IN-CHARGE	13	x	$219.78	=	$2,857.13	
SENIOR PROJECT MANAGER	153	x	$207.90	=	$31,808.59	
SENIOR PROJECT ENGINEER	94	x	$188.59	=	$17,727.87	
PROJECT ENGINEER	234	x	$148.00	=	$34,632.00	
ENVIRONMENTAL MANAGER	3	x	$190.08	=	$570.24	
SR ENVIRONMENTAL SCIENTIST	6	x	$108.52	=	$651.14	
PROJECT SCIENTIST	14	x	$108.52	=	$1,519.33	
ENGINEER	515	x	$112.42	=	$57,896.30	
TECHNICIAN	489	x	$98.01	=	$47,926.73	
SURVEY MANAGER	73	x	$148.50	=	$10,840.46	
SURVEY TECHNICIAN	40	x	$98.01	=	$3,920.39	
SURVEY DRAFTER	69	x	$56.43	=	$3,893.66	
2 MAN SURVEY CREW	93	x	$157.26	=	$14,625.27	
CONSTRUCTION INSPECTOR	40	x	$105.43	=	$4,217.39	
PROJECT ADMINISTRATOR	21	x	$103.21	=	$2,167.35	
Total Hours =	1857				Total NHR =	$235,253.84
REIMBURSABLES:						
Mileage	3,320	x	$0.545	=	$1,809.40	
Miscellaneous Expenses	$1,775.00	x	0%	=	$1,775.00	
					Total Expenses=	$3,584.40
SUBCONSULTANT COST (See Exhibit E):						
Aspect Consulting	$35,700.00	x	0%	=	$35,700.00	
Tierra ROW	$14,546.16	x	0%	=	$14,546.16	
TSI	$24,332.06	x	0%	=	$24,332.06	
APS	$5,000.00	x	0%	=	$5,000.00	
					Total Subconsultants =	$79,578.22
SUB-TOTAL (NHR + REIMBURSABLES + SUBCONSULTANTS):						
					Sub Total =	$318,416.46
MANAGEMENT RESERVE FUND:						
SUB TOTAL =	$318,416.46	x	0%	=	MRF =	$0.00
GRAND TOTAL						
					GRAND TOTAL =	**$318,416**

PREPARED BY: Mike Horton, PE **DATE:** 11/21/2018

REVIEWED BY: Thomas E. Skillings, PE **DATE:** 11/21/2018

EXHIBIT C-3
CONSULTANT COST COMPUTATION – EXPENSES

Item	Description	Basis	Quantity	Rate	Total
1	Telephone	Month			$0.00
2	Auto Rental	Each			$0.00
3	Lodging	Day	10	$94.00	$940.00
4	Per Diem-Meal	Day	14	$55.00	$770.00
5	Photo Copies - Blk & White	Each		$0.10	$0.00
6	Photo Copies - Color	Each		$0.35	$0.00
7	Half Sized Prints	Each	10	$0.50	$5.00
8	Full Sized Prints	Each	10	$6.00	$60.00
9	Postage	Month			$0.00
10	Shipping	Month			$0.00
11	FAXs	Each			$0.00
12	Miscellaneous Project Costs	Month			$0.00
13	Miscellaneous Survey Costs	Estimated			$0.00
14	Traffic Control	Estimated			$0.00
	Total Miscellaneous Expenses				**$1,775.00**
	Mileage	Per Mile	3320	0.545	$1,809.40
	Total Expenses				**$3,584.40**
Assumptions					
1	Telephone	Estimated			
2	Auto Rental	Estimated trips	$20.00		
3	Mileage	Estimated miles	186 Miles	round trip	
4	Lodging				
5	Per Diem-Meal				
6	Photo Copies - Blk & White	Estimated			
7	Photo Copies - Colored	Estimated			
8	Half Sized Prints				
9	Full Sized Prints				
10	Postage	Estimated			
11	Shipping	Estimated			
12	FAXs	Estimated			
13	Miscellaneous Project Costs	Estimated			
14	Miscellaneous Survey Costs	Estimated			
15	Purchase Order	Estimated			
Prepared by: Mike Horton, PE		November 21, 2018			

RESOLUTION NO. 2018-11

A RESOLUTION of the City of Bainbridge Island, Washington, accepting a Federal Highway Administration Grant for the Sportsman Club Road and New Brooklyn Road Intersection Improvement Project.

WHEREAS, in April 2016, the City of Bainbridge Island submitted the Sportsman Club Road and New Brooklyn Road Intersection Improvement Project to the Kitsap Regional Coordinating Council (KRCC) for consideration for funding by a Federal Highway Administration (FHWA) Grant; and

WHEREAS, the City's grant request submitted in April 2014 requested FHWA Grant funding in the amount of $702,945 for project construction; and

WHEREAS, in June 2016, the KRCC Executive Board approved placement of the construction of Sportsman Club Road and New Brooklyn Road Intersection Improvement Project on the adopted Contingency List for Kitsap County; and

WHEREAS, on March 16, 2016, the Puget Sound Regional Council (PSRC) notified KRCC that $1.63 million in FHWA Grant Funds were available as returned funds from prior grant cycles; and

WHEREAS, on March 15, 2018, the Transportation Policy Committee of KRCC considered transportation projects on the adopted Contingency List for grant funding with returned funds; and

WHEREAS, on April 3, 2018, the Transportation Policy Committee of KRCC will recommend to the KRCC Executive Board that the Sportsman Club Road and New Brooklyn Road Intersection Improvement Project be funded from the Contingency List in the amount of $679,840 with the available returned funds.

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

The City will accept the FHWA Grant in the amount of $679,840 and authorize other sources of available City funds to be used as required matching funds to complete construction of the Sportsman Club Road and New Brooklyn Road Intersection Improvement Project.

PASSED by the City Council this 27th day of March, 2018.

APPROVED by the Mayor this 27th day of March, 2018.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	March 23, 2018
PASSED BY THE CITY COUNCIL:	March 27, 2018
RESOLUTION NUMBER:	2018-11

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (8:35 PM) Code Enforcement: Updates to Chapter 1.26 BIMC - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
Discussion.

SUMMARY:
Code enforcement is one of the City Council's top priorities for 2018. This issue was last before the Council on September 18, 2018, when the City Attorney's Office gave a presentation to the City Council. The purpose of this agenda item is for the Code Compliance Officer and the City Attorney's Office to follow-up on the discussion from September 18, 2018, and propose next steps for updating Chapter 1.26 BIMC.

FISCAL IMPACT:

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

BACKGROUND: City staff has identified three potential areas of focus related to code enforcement: (1) General Code Enforcement; (2) Sign Code; and (3) Animal Control Code. The discussion on November 27, 2018, will focus on recommendations related to general code enforcement. Potential changes to the sign code and the animal control code will be discussed at future City Council meetings.

ATTACHMENTS:

November 27, 2018 - Code Enforcement: Updating Chapter 1.26 BIMC

Chapter 1.26 BIMC - The City's Current General Code Enforcement Chapter

COBI Standard Operating Procedures for Code Enforcement Actions

FISCAL DETAILS:

Fund Name(s):

Coding:

Code Enforcement:
Updating Chapter 1.26 BIMC

November 27, 2018 City Council Business Meeting

Why Are We Talking About Code Enforcement?

- Concerns from the City Council and from the community.
- A Top City Council Priority Item for 2018.

Progress So Far

- Reviewed the City's existing code enforcement provisions.
- Met with City of Bremerton staff to discuss Bremerton's effective code enforcement system.
- Began compilation of known issues with City's existing code enforcement provisions.
- Result - Identified three areas of potential focus:
  1. General Code Enforcement
  2. Sign Code
  3. Animal Control Code
- Discussed with City Council During September 18, 2018 Study Session

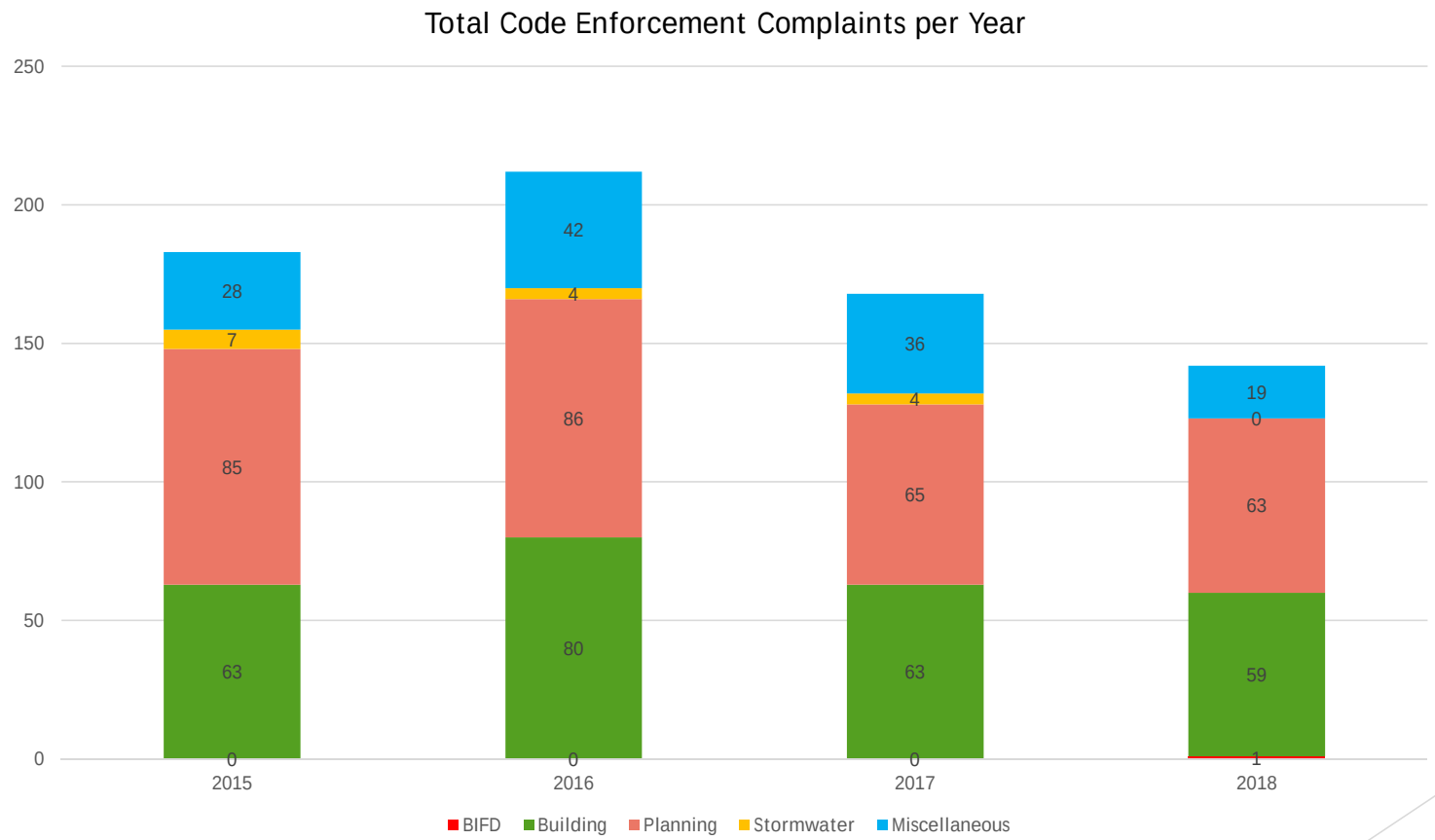
Agenda for Tonight

1. Code Enforcement Data
2. Recap of Discussion from September 18, 2018 Study Session
3. Recommended Updates to Chapter 1.26 BIMC
4. Role of the Code Compliance Officer
5. Next Steps

Code Enforcement Complaints to Resolution				
	2015	2016	2017	2018 YTD
Code Enforcement Complaints	183	212	168	158
Confirmed Code Enforcement Violations	66	76	71	49
Code Enforcement Violations Resolved with Voluntary Compliance	66	73	70	45
Code Enforcement Violations Resolved with Enforcement	0	3	1	4


Confirmed Code Enforcement Violations vs Code Enforcement Complaints
90
80
70
60
50
40
30
20
10
0
2015
2016
2017
2018
Confirmed Code Enfrocement Violations
Code Enforcement Complaints

Code Enforcement Complaints by Category				
	2015	2016	2017	2018 YTD
Building Code Enforcement Complaints	63	80	63	68
Planning Code Enforcement Complaints	85	86	65	66
Stormwater Code Enforcement Complaints	7	4	4	0
Miscellaneous Code Enforcement Complaints	28	42	36	24
Code Enforcement Complaints Total:	183	212	168	158


Total Code Enforcement Complaints per Year
250
200
150
100
50
0
28
7
85
63
0
42
4
86
80
0
36
4
65
63
0
19
0
63
59
1
2015
2016
2017
2018
BIFD
Building
Planning
Stormwater
Miscellaneous

September 18, 2018 Study Session
What We Heard From You

1. Complaint-Based System
2. Seek Voluntary Compliance
3. Accessible Process that is Easy for the Public to Understand

Recommended Updates to Chapter 1.26 BIMC

1. Consolidate Enforcement Through Chapter 1.26 BIMC
2. Reexamine Existing Penalties and Fines
3. Clearly Define Role & Scope of Code Compliance Officer

Role of Code Compliance Officer

Next Steps

1. Prepare Draft Ordinance Updating Chapter 1.26 BIMC
2. Sign Code – Sandwich Board Discussion at Future Business Meeting
3. Animal Control – Consideration of Kitsap Humane Society's Recommendations at Future Business Meeting

Chapter 1.26
CODE ENFORCEMENT

Sections:

1.26.010 Applicability of chapter.

1.26.020 Duty to enforce – Inspections – Duty to comply.

1.26.025 Investigation and notice of violation.

1.26.026 Notice of infraction – Service.

1.26.027 Notice of infraction – Form – Contents.

1.26.028 Notice of infraction – Filing – Hearing in municipal court.

1.26.029 Notice of infraction – Determination infraction committed.

1.26.030 Notice of infraction – Response requesting a hearing – Failure to respond or appear – Order to set aside.

1.26.031 Notice, failure to sign, Nonappearance – Failure to satisfy penalty.

1.26.032 Representation by attorney.

1.26.033 Infraction – Hearing – Procedure – Burden of proof – Order – Appeal.

1.26.034 Infraction – Explanation of mitigating circumstances.

1.26.035 Judgment – Fine – Restitution – Costs – Attorneys' fees.

1.26.036 Order of court – Civil nature – Modification of penalty – Community service.

1.26.037 Notice of infraction does not limit further action.

1.26.038 Violations – Failure to provide information identifying person.

1.26.039 Reserved.

1.26.040 Reserved.

1.26.050 Stop work order.

1.26.060 Emergency order.

1.26.065 Notice of violation – Procedures.

1.26.070 Review by the director.

1.26.075 Time to comply.

1.26.080 Extension of compliance date – Revocation.

1.26.090 Civil penalty.

1.26.100 Criminal penalties.

1.26.110 Additional relief.

1.26.010 Applicability of chapter.

The provisions of this chapter shall apply to enforcement of BIMC Titles 16 and 18, Chapters 7.01 and 15.04 BIMC, and specified provisions outlined in BIMC Title 20. For purposes of this chapter, such titles and chapters shall be referred to as “the applicable titles and chapters of this code.” (Ord. 2018-07 § 4, 2018: Ord. 2015-03 § 1, 2015: Ord. 2008-10 § 6, 2008: Ord. 2003-16 § 3, 2003: Ord. 2002-15 § 3, 2002: Ord. 97-07 § 4, 1997; Ord. 95-02 § 1, 1995)

1.26.020 Duty to enforce – Inspections – Duty to comply.

A. It shall be the duty of the director of planning and community development to enforce the applicable titles and chapters of this code. The director may call upon other city departments and officers to assist in enforcement. Whenever used in this chapter the term “director” includes the code enforcement officer or other official duly authorized by the director.

B. Code Enforcement Officer – Definition. A city official charged with the responsibility to ensure compliance with all state, city and zoning codes and ordinances as adopted by the city council.

C. The director may enter any building or property to perform duties imposed by the applicable titles and chapters of this code in accordance with Chapter 1.16 BIMC.

D. This chapter and the applicable titles and chapters of this code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

E. It is the intent of this chapter and the applicable title and chapters of this code to place the obligation of complying with their requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of the applicable titles and chapters of this code.

F. No provisions of or term used in this chapter or the applicable titles and chapters of this code is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 2018-07 § 5, 2018; Ord. 2003-28 § 2, 2003; Ord. 2001-02 § 1, 2001: Ord. 95-02 § 1, 1995)

1.26.025 Investigation and notice of violation.

A. The director shall investigate any structure or use which the director reasonably believes does not comply with the standards and requirements of the applicable titles and chapters of this code.

B. Whenever the director determines that a violation of the code has occurred there shall be served upon the responsible person either:

1. A notice of violation and corrective order; or

2. A notice of infraction.

C. The director shall issue a notice of violation and corrective order; provided, that a notice of infraction shall be issued if the person cited has been served with a prior notice of violation, the person cited has committed prior violations of the code, the person is cited for failing to comply with a stop work order or an emergency order, or the violation creates an immediate threat to public health, safety or welfare.

D. The director may issue a stop work order or emergency order in appropriate cases without regard to whether any other enforcement action has been or will be taken. (Ord. 2001-02 § 2, 2001: Ord. 95-02 § 1, 1995)

1.26.026 Notice of infraction – Service.

The director may issue a notice of infraction if the director reasonably believes that a provision of the applicable titles and chapters of this code has been violated. A notice of infraction may be served either by:

A. The director serves the notice of infraction on the person named in the notice of infraction at the time of issuance; or

B. The director files the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address. (Ord. 2001-02 § 3, 2001: Ord. 95-02 § 1, 1995)

1.26.027 Notice of infraction – Form – Contents.

The notice of infraction shall include the following:

A. A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the termination shall be final unless contested as provided in this chapter;

B. A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

C. A statement of the specific infraction for which the notice was issued;

D. A statement that monetary penalties as set forth below have been established for each infraction;

E. A statement of the options provided in this ordinance for responding to the notice and the procedures necessary to exercise these options;

F. A statement that at any hearing to contest the determination the city has the burden of proving by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the authorized representative who issued and served the notice of infraction;

G. A statement, which the person who has been served with the notice of infraction shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

H. A statement that refusal to sign the infraction as directed in subsection G of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and

I. A statement that a person's failure to respond to a notice of infraction as promised is a misdemeanor and may be punishable by a fine or imprisonment in jail. (Ord. 95-02 § 1, 1995)

1.26.028 Notice of infraction – Filing – Hearing in municipal court.
A notice of infraction shall be filed in municipal court within 48 hours of issuance, excluding Saturdays, Sundays, and holidays. Bainbridge Island municipal court shall have jurisdiction to hear and determine these matters. (Ord. 95-02 § 1, 1995)

1.26.029 Notice of infraction – Determination infraction committed.
Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction. (Ord. 95-02 § 1, 1995)

1.26.030 Notice of infraction – Response requesting a hearing – Failure to respond or appear – Order to set aside.
A. A person who receives a notice of infraction shall respond to the notice as provided in this section within 15 days of the date the notice was served.

B. If the person named in the notice of infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response order shall be furnished to the department of planning and community development (DPCD).

C. If the person named in the notice of infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing. The date of the hearing shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

D. If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

E. The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of a civil infraction;

1. Fails to respond to the notice of civil infraction as provided in subsection B of this section; or

2. Fails to appear at a hearing requested pursuant to either subsection C or D of this section. If a default judgment is entered, the court shall notify the DPCD of the entry of the default judgment, and the reason therefor. (Ord. 95-02 § 1, 1995)

1.26.031 Notice, failure to sign, Nonappearance – Failure to satisfy penalty.

A. A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

B. Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; provided,

that a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by appearance of counsel.

C. A person who willfully fails to pay a fine or to perform community service as required by a court under this chapter may be found in civil contempt of a court after notice and hearing. (Ord. 2001-02 § 4, 2001: Ord. 95-02 § 1, 1995)

1.26.032 Representation by attorney.
A. A person subject to proceedings under this chapter may appear or be represented by counsel.

B. The city prosecutor may, but need not, appear in any proceedings under this chapter. (Ord. 95-02 § 1, 1995)

1.26.033 Infraction – Hearing – Procedure – Burden of proof – Order – Appeal.
A. A hearing held to contest the determination that an infraction has been committed shall be without a jury.

B. The court may consider the notice of infraction and any sworn statements submitted by the authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.

C. The burden of proof is on the city to establish the commission of the infraction by a preponderance of evidence.

D. After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the court's records.

E. An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure. (Ord. 95-02 § 1, 1995)

1.26.034 Infraction – Explanation of mitigating circumstances.
A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

B. After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

C. There shall be no appeal from the court's determination or order. (Ord. 95-02 § 1, 1995)

1.26.035 Judgment – Fine – Restitution – Costs – Attorneys' fees.

A. Upon a finding that a civil infraction has been committed the court shall enter judgment requiring:

1. Payment of a fine of not more than $500.00 for each day of noncompliance.

2. Payment of court costs as defined by rule or statute.

3. Payment to the prevailing party of its reasonable attorneys' fees as allowed by RCW 7.80.140.

B. Whenever a fine is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the department of planning and community development of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

C. The court may also order a person found to have committed a civil infraction to make restitution. (Ord. 2001-02 § 5, 2001: Ord. 95-02 § 1, 1995)

1.26.036 Order of court – Civil nature – Modification of penalty – Community service.

A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

B. The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour. (Ord. 95-02 § 1, 1995)

1.26.037 Notice of infraction does not limit further action.
Issuance or disposition of a notice of infraction shall not limit or preclude any action or proceeding pursuant to Chapter 1.24 BIMC or BIMC 1.26.050, 1.26.060, 1.26.090 or 1.26.100. (Ord. 2001-02 § 6, 2001: Ord. 95-02 § 1, 1995)

1.26.038 Violations – Failure to provide information identifying person.
Willful refusal to provide information identifying a person as required by this section is a misdemeanor. (Ord. 95-02 § 1, 1995)

1.26.039 Reserved.

1.26.040 Reserved.

1.26.050 Stop work order.
Whenever a continuing violation of the applicable titles and chapters of this code will materially impair the director's ability to secure compliance with such titles and chapters, or when the continuing violation threatens the environment, health or safety of the public, the director or duly authorized representative of the director, may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of the applicable titles and chapters of this code. (Ord. 2001-02 § 7, 2001: Ord. 95-02 § 1, 1995)

1.26.060 Emergency order.
A. Whenever any use or activity in violation of the applicable titles and chapters of this code threatens the environment, health or safety of the occupants of the premises or any member of the public, the director may issue an emergency order directing that the use or activity be immediately discontinued and the condition causing the threat to the environment, health or safety be corrected. The emergency order shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of the applicable titles and chapters of this code.

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or the person responsible or both in the manner provided by law. (Ord. 2001-02 § 8, 2001: Ord. 95-02 § 1, 1995)

1.26.065 Notice of violation – Procedures.
A. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements, and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in criminal prosecution as provided in BIMC 1.26.100. In the event of violations of the standards or requirements of Chapter 16.20

BIMC, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged or destroyed trees.

B. The code enforcement officer filing the notice of violation may file with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of violation at his or her address, or in accordance with subsection C of this section.

C. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the director makes an affidavit to that effect, the service of the notice upon such person or persons may be made by mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known or if unknown, to the address of the property involved in the proceedings.

D. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to BIMC 1.26.050 or 1.26.060.

F. The director may mail, or cause to be delivered to all residential and/or nonresidential units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

G. A notice or an order may be amended at any time in order to correct clerical errors or cite additional authority for a stated violation. (Ord. 2001-02 § 8, 2001: Ord. 97-07 § 5, 1997; Ord. 95-02 § 1, 1995)

1.26.070 Review by the director.

A. Any person affected by a notice of violation issued under BIMC 1.26.050 or 1.26.060 may request a review of the notice by requesting such review within seven days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 4:00 p.m. on the next business day. The request shall be in writing, clearly and concisely identifying the errors of the director, or the basis for any claimed mitigation, and upon receipt of the request, the director shall review the materials and:

1. Determine, in the sole discretion of the director, whether a review meeting should be held; or

2. Respond in writing denying the request for review citing the reasons for the denial. A director's review may be denied if:

a. The review is being requested for an obvious or flagrant violation for which fines or penalties, but no mitigation, are required;

b. The review is being requested solely to seek a reduction or elimination of fines and penalties;

c. The review is being requested to seek a waiver or reduction of the enforcement fee;

d. The review is being requested for any matter relating to burning violations.

If the director determines a review meeting should be held, the director shall notify any persons served the notice of violation and the complainant, if any, of the date, time and place set for the review, which shall be not less than 10 nor more than 20 days after the request is received. Before the date set for the review, any person affected by the notice of violation may submit any additional written material to the director for consideration at the review. During the administrative review, the order shall be in full force and effect until the order is corrected or the decision is overturned.

B. The review will consist of an informal review meeting held at the department of planning and community development. A representative of the director who is familiar with the case and the applicable ordinances will attend. The director or representative of the director will explain the reasons for the issuance of the notice and will listen to any additional information presented by the persons attending. At or after the review, the director may:

1. Sustain the notice of violation;

2. Withdraw the notice of violation;

3. Continue the review to a date certain for receipt of additional information; or

4. Modify the notice of violation, which may include an extension of the compliance date.

C. The director shall issue an order containing the decision within 10 working days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named in the notice of violation, mailed

to the complainant, if possible, and filed with the Bainbridge Island municipal court and Kitsap County auditor if necessary for recording on the title to the property.

D. The decision of the director may be appealed pursuant to the procedures set forth in BIMC 2.16.130. (Ord. 2001-02 § 9, 2001: Ord. 95-02 § 1, 1995)

1.26.075 Time to comply.

A. When calculating reasonable time for compliance, the director shall consider the following criteria:

1. The type and degree of the violation cited in the notice;

2. The stated intent, if any, of a responsible party to take steps to comply;

3. The procedural requirements for obtaining a permit to carry out corrective action;

4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and

5. Any other circumstances beyond the control of the responsible party.

B. Unless a request for review before the director is made in accordance with BIMC 1.26.070, the notice of violation shall become the final order of the director. A copy of the notice may be filed with the Bainbridge Island municipal court. The director may choose not to file a copy of the notice or order if the notice or order is directed only to a person other than the owner of the property. (Ord. 2001-02 § 10, 2001: Ord. 95-02 § 1, 1995)

1.26.080 Extension of compliance date – Revocation.

A. The director may grant an extension of time for compliance with any notice or order, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

B. An extension of time may be revoked by the director if it is shown that the conditions at the time the extension was granted have changed, if the director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date. The procedures for revocation, notification of parties, and appeal of the revocation shall be established by rule. (Ord. 2001-02 § 11, 2001: Ord. 95-02 § 1, 1995)

1.26.090 Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of the applicable titles and

chapters of this code shall be subject to a cumulative penalty in the amount of $1,000 per day for each violation from the date set for compliance until the date of compliance.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The director shall notify the city prosecutor in writing of the name of any person subject to the penalty, and the city prosecutor shall, with the assistance of the director or duly authorized representative of the director, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability that:

1. The violation giving rise to the action was caused by the willful act, neglect, or abuse of another; or

2. Correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by the inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstances beyond the control of the violator. (Ord. 2001-02 § 12, 2001: Ord. 95-02 § 1, 1995)

1.26.100 Criminal penalties.

A. In addition to any civil penalty that may be imposed, any person violating or failing to comply with the applicable titles and chapters of this code and having a judgment entered against the person pursuant to BIMC 1.26.090 within the past five years, shall be guilty of a gross misdemeanor, and shall be punished by a fine of not more than $5,000 or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment. Each day of noncompliance shall constitute a separate offense.

B. In addition to any civil penalty that may be imposed, a criminal penalty, not to exceed one year imprisonment and/or $5,000 per violation, may be imposed:

1. For violations of BIMC 16.20.120.D and 18.123.010.D and Section 205(c) of the Uniform Building Code as amended by BIMC 15.04.030;

2. For any other violation of the applicable title and chapters of this code for which corrective action is not possible; and

3. For any refusal to comply with a stop work order or an emergency order. (Ord. 2001-02 § 13, 2001: Ord. 95-02 § 1, 1995)

1.26.110 Additional relief.

The city prosecutor, with the assistance of the director, may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of the applicable titles and chapters of this code when civil or

criminal penalties are inadequate to effect compliance. (Ord. 2001-02 § 14, 2001: Ord. 95-02 § 1, 1995)

CITY OF
BAINBRIDGE ISLAND

The City of Bainbridge Island seeks code compliance and has the enforcement authority under Bainbridge Island Municipal Code Chapter 1.26 Code Enforcement

Standard operating procedures for Enforcement Action

It shall be the policy of the Bainbridge Island Code Compliance Office to treat all violations and violators the same under the Bainbridge Island Municipal Code (BIMC). Whenever the Code Compliance Officer determines a violation of the Code has occurred, there shall be served upon the responsible person either:

1. A Warning of Violation and Order to Correct; or

2. A Notice of Infraction ; or

3. A criminal charge filed with the Kitsap County Prosecutor's Office.

1) Warning of Violation and Order to Correct

The Code Compliance Officer shall first seek voluntary compliance by issuing a Warning of Violation and Order to Correct (W&O); provided that; 1) a Notice of Infraction (NOI) shall be issued if the person cited has been served with a prior warning of violation; 2) the person cited has committed prior violations of the code; or 3) due to life-safety issues, the situation or violation creates an immediate threat to public health, safety or welfare.

2) Notice of Infraction

After a W&O has been issued and the violator has failed to correct the violation in a timely manner, a NOI shall be issued to the person causing the violation and/or the property owner or business manager.

3) Misdemeanor and Gross Misdemeanor

Any person violating or failing to comply with this Code, having had a NOI issued, and is then found to have committed an infraction within the past five years, shall be guilty of a gross misdemeanor. In any section of the Code that authorizes a misdemeanor charge, the Code Compliance Officer will first issue a W&O, NOI and then file the misdemeanor charge unless the situation or the violation creates an immediate threat to public health, safety or welfare.

Voluntary compliance shall always be the goal of the Code Compliance Officer, however enforcement action is sometimes required.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:05 PM) Resolution No. 2018-31, Updating the Planning and Community Development Department's Administrative Manual - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Resolution No. 2018-31, updating the Planning and Community Development Department's Administrative Manual.

SUMMARY:
Resolution No. 2018-31 proposes to update to the Planning and Community Development Department's Administrative Manual to modify titles and submittal requirements to reflect approved Ordinance Nos. 2018-11 and 2018-19.

FISCAL IMPACT:

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

BACKGROUND: The Administrative Manual of the Department of Planning and Community Development ("Administrative Manual") is designed to be a user-friendly manual that contains submittal requirements and supporting documents for land use permits

On April 24, 2018, the City Council enacted Ordinance No. 2018-11, which repealed Chapter 16.22 BIMC, Vegetation Management.

On October 23, 2018, the City Council enacted Ordinance No. 2018-19, which amended BIMC 18.15.010 and replaced Chapter 16.18 BIMC, Land Clearing.

Resolution No. 2018-31 proposes to update to the Administrative Manual to modify titles and submittal requirements to reflect the City Council's adoption of Ordinance No. 2018-19 and Ordinance No. 2018-11.

In addition, City staff have proposed additional corrections and clarifications to the Administrative Manual, which are also contained in Resolution No. 2018-31.

City staff recommends approval of Resolution No. 2018-31 on November 27, 2018, so that the updated Administrative Manual will be in place on December 3, 2018, the effective date of Ordinance No. 2018-19.

ATTACHMENTS:

Resolution No. 2018-31, Updating the PCD Administrative Manual

Exhibit A to Resolution No. 2018-31 - Updated Administrative Manual

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2018-31

A RESOLUTION of the City of Bainbridge Island, Washington, amending the Administrative Manual of the Department of Planning and Community Development.

WHEREAS, the Administrative Manual of the Department of Planning and Community Development ("Administrative Manual") is designed to be a user-friendly manual that contains submittal requirements and supporting documents for land use permits; and

WHEREAS, on April 24, 2018, the City Council enacted Ordinance No. 2018-11, which repealed Chapter 16.22 BIMC, *Vegetation Management*; and

WHEREAS, on October 23, 2018, the City Council enacted Ordinance No. 2018-19, which amended BIMC 18.15.010 and replaced Chapter 16.18 BIMC, *Land Clearing*; and

WHEREAS, the Administrative Manual needs to be updated to reflect the changes approved by these ordinances; and

WHEREAS, City staff have identified other clarifications and updates to be made throughout the Administrative Manual.

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

Section 1. The Administrative Manual is amended as shown on attached **Exhibit A**, which is fully incorporated herein by this reference as if set forth in full.

PASSED by the City Council this ___ day of _____, 2018.

APPROVED by the Mayor this ___ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: November 21, 2018
PASSED BY THE CITY COUNCIL: , 2018
RESOLUTION NO. 2018-31

Exhibit A: Administrative Manual

CITY OF
BAINBRIDGE ISLAND

ADMINISTRATIVE MANUAL

PLANNING PERMIT REQUIREMENTS SUBMITTAL

Department of Planning and Community Development
January 1, 2012; Last Updated November 2018

TABLE OF CONTENTS

Introduction....3

General Submittal Requirements

Basic Site Plan....4
Utilities Plan....6
~~Low Impact Development (LID) Site Assessment....7~~
Landscape Plan....8
Preapplication Conference....10
Administrative Code Interpretation Request....11
Adjustments (Major & Minor) to Land Use Permits....12
Revisions to Permits....12

Zoning Permit Applications

Site Plan and Design Review (Major & Minor)....13
Conditional Use Permits (Major & Minor)....15
Variance (Major & Minor)....16
Housing Design Demonstration Project....16
Sign Permit....17
Wireless Communication Facilities (WCF) Permits....18
Wireless Eligible Facilities Modification (EFM) Permit....19

Subdivision Applications

Boundary Line Adjustment....21
Preliminary Subdivision (Short, Long, Large Lot)....21
Plat Utility Permit....23
Final Subdivision (Short, Long, Large Lot)....25
Subdivision, Alterations and Amendments....26

Environmental and Critical Area Permits

~~Clearing~~ Tree Removal/Vegetation Maintenance Permit....26
~~Vegetation Management Permit....27~~
Farm Management Plan....27
Agricultural Retail Plan....28
Reasonable Use Exception....28
Buffer Enhancement Plan....30
Critical Area Permit (Minor and Major)....30

Shoreline Master Program Applications

Shoreline Clearing Permit....XX
Shoreline Exemption....31
Shoreline Substantial Development Permit....31
Shoreline Conditional Use Permit....31
Shoreline Variance....31

Legislative Applications

Legislative Review of Development Regulations.....32
Rezoning Application (Site-specific and Area-wide).....32
Comprehensive Plan Amendments.....33

Appendices

SMP Submittal Requirements for Site Specific Analysis.....34
SMP Standard Single-family Mitigation Manual.....34
Sign Permit Worksheet.....34
Suggested Landscape Materials Matrix.....35

Introduction

This Administrative Manual is designed to supplement the permit processes described in the land use, zoning, and environmental sections of the City of Bainbridge Island Municipal Code (BIMC). This manual identifies documents that applicants must submit in order to have a complete application for development review and decision. Consistent submissions to the City of Bainbridge Island will help the efficiency of the review process as well as clarifying requirements for applicants. The procedures required for review and approval of each type of application are detailed in Title 2: Administration, Personnel and Land Use Procedures of the BIMC.

The Master Land Use Application is required to be submitted with each of the land use permits discussed herein. Please see the application for the number of copies for specific permits. A land use permit shall not be considered complete until the required application, fee and all supporting materials are submitted to the department. The applicant shall submit an electronic copy of all required documents at the time of application submittal. The director may waive specific submittal requirements determined to be unnecessary for review of an application. Most applications also require a separate fee for the Kitsap Health District.

The City's current Fee Schedule and Master Land Use Application can be viewed and downloaded from the City's website.

GENERAL SUBMITTAL REQUIREMENTS

Basic Site Plan

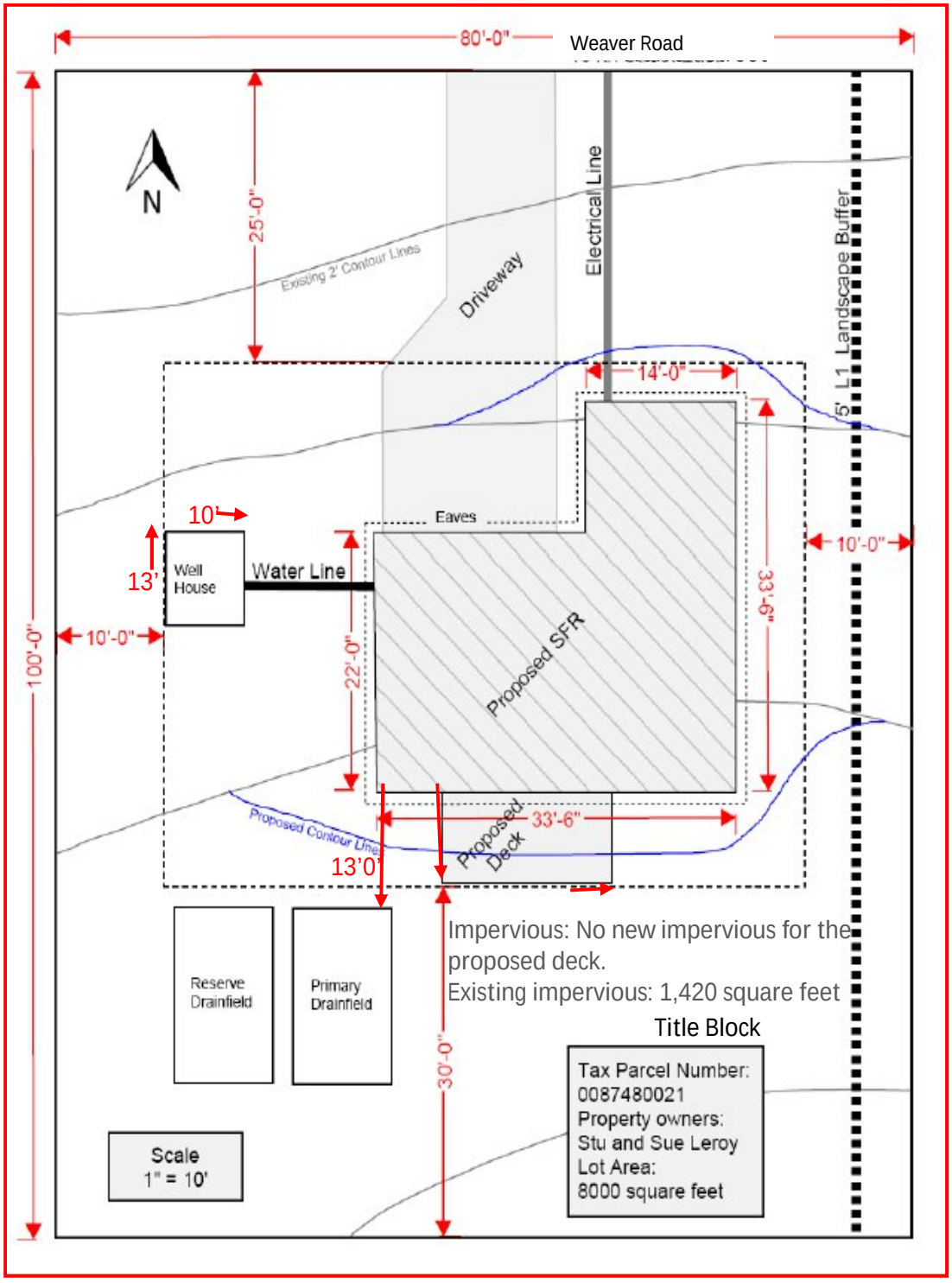
The site plan must be legible and easily understood by professionals as well as the public. Clearly differentiate between existing and proposed development. The information to help prepare a site plan is readily available to the public:

City Resources	County Resources	Public Health District
Municipal Code	Auditor's Records	Well / Septic Records
Public GIS	Assessor Records	

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
- ☐ Engineer's scale, for example: 1 inch = 20 feet
- ☐ Title block: Project name; owner name; site address, tax parcel number; subdivision name
- ☐ North arrow
- ☐ Vicinity map
- ☐ Quarter section, township and range
- ☐ Depict the entire property and the area within 150 foot radius of the property
- ☐ Zoning / Comprehensive Plan designation
- ☐ Property boundaries (bold line)
- ☐ Lot size and lot area (BIMC 18.12.050)
- ☐ Easements: Include access, utility, other (e.g. use easements, conservation easements)
- ☐ Zoning setbacks or subdivision setbacks / buffers (as applicable)
- ☐ Contour lines at five foot intervals (existing and proposed)
- ☐ Critical areas and their buffers / setbacks: Label top/toe of slopes greater than 15 percent and top/toe of slopes 40 percent or greater, floodplain, wetlands, streams
- ☐ Aquifer Recharge Protection Area, if required
- ☐ Shoreline jurisdiction: Include OHWM, shoreline structure and side yard setback, shoreline buffer Zones 1 & 2, areas of native vegetation, location and size of significant trees
- ☐ Vegetation protection areas (e.g. "no-build zones", landscape buffers, designated wildlife corridor)
- ☐ Exterior dimensions of all existing and proposed structures: Clearly differentiate between existing and proposed. Label each structure by its use (e.g. garage, landscape / retaining wall, eave, fence, mechanical equipment)
- ☐ Impervious surface areas (existing and proposed): Label and dimension each area (e.g. building, driveway, parking area, patio)
- ☐ Area of disturbance: Area expected to be disturbed by construction and vegetation retention area
- ☐ Stormwater facility: Location / management method (e.g. dispersion, infiltration, detention)
- ☐ Sewer / septic system facility: Include lines, primary and reserve drainfields and setbacks*
- ☐ Water / well facility: Include lines, water meters, well house, well protection area
- ☐ Other facilities: Include power lines, generators, propane tanks, heat pumps, solar

- ☐ Historically significant structures on or adjacent to the property (e.g. constructed over 50 years ago or listed on the local or national historic register)
- ☐ Access to the property (existing and proposed): Dimension adjacent rights-of-way / access easements and driving surface width. Depict access from a right-of-way, emergency services access, driveways, non-motorized access (e.g. sidewalks, trails) and bus stops.

Sample Site Plan



Utilities Plan

- ☐ Minor (abbreviated) drainage plan for proposals that do not require engineered plans

  OR

- ☐ Engineered preliminary drainage plans
- ☐ Engineered preliminary drainage report

  AND

- ☐ Plan sheet 18” * 24” or 24” * 36” in size
  - ☐ Engineer’s scale, for example: 1 inch = 20 feet
  - ☐ Location of stormwater facilities
  - ☐ Management method (e.g. dispersion, infiltration, detention)
  - ☐ Existing and proposed structures and improvements on the subject property including:
    - ☐ Driveways
    - ☐ Parking areas
    - ☐ Parking space (dimensioned)
    - ☐ Solid waste facility (dimensioned)
    - ☐ Landscape / retaining walls
    - ☐ Fences
    - ☐ Mechanical equipment
  - ☐ Existing and proposed utilities on the subject property including:
    - ☐ Wells / well head protection areas
    - ☐ Water / Sewer lines
    - ☐ Drainfields (primary and reserve)
    - ☐ Septic system setbacks (Health District)
    - ☐ Power lines, utility poles, telecommunication facilities
  - ☐ Existing and proposed structures / utilities within 150 feet of the property including:
    - ☐ Wells / well head protection areas
    - ☐ Water / Sewer lines
    - ☐ Fire hydrants
    - ☐ Adjacent streets
    - ☐ Adjacent right-of-way with road classification
    - ☐ Existing and proposed right-of-way width
    - ☐ Existing driving surface width and type (e.g. gravel, asphalt, pervious concrete)
    - ☐ Roadside facilities (e.g. shoulder, ditch)
    - ☐ Non-motorized facilities width and type (e.g. sidewalks, trails)

Low Impact Development (LID) Site Assessment

The Low Impact Development (LID) Site Assessment shall be performed in accordance with the City's adopted LID manual. See Chapter 2 of *Low Impact Development Technical Guidance Manual For Puget Sound* for a full description of the requirements of a site assessment. The assessment shall include the following information and shall be proportionate in detail and scope to the level of development:

A. Stormwater Site Plan (SSP)

- ☐ Existing public/private development and utility infrastructure on and adjacent to site
- ☐ Minor hydrologic features including seeps, springs, closed depression areas and swales
- ☐ Major hydrologic features including streams, wetlands, waterbodies, and buffers
- ☐ Flood hazards
- ☐ Geologic hazards and buffers
- ☐ Aquifer and wellhead protection areas
- ☐ Topographic features that may act as natural stormwater storage, infiltration, or conveyance
- ☐ Existing vegetation, land cover, and trees
- ☐ Contours at 2-foot intervals up to 10% slope, 5-foot intervals over 10% up to 20%, 10-foot intervals for slopes 20% or greater
- ☐ Soil and subsurface hydrology characterization
- ☐ Identified native forest and soil protection areas
- ☐ Potential access points

Additional supporting information for the LID assessment includes:

B. Soils report prepared by a certified soil scientist, professional engineer, geologist, hydrogeologist or engineering geologist registered in the State of Washington or suitably trained persons working under the supervision of the above professionals or by a locally licensed on-site sewage designer.

Landscape Plan

A Landscape Plan shall be prepared by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper and a certified arborist (when required) and include the following information at the time of land use permit application. Minimum specifications for the Landscape Plan sheets listed below.

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
- ☐ Engineer's scale, for example: 1 inch = 20 feet
- ☐ North arrow
- ☐ Title block: Project name; site address, tax parcel number;
- ☐ Property boundaries (bold line)

A. Tree and Vegetation Retention Plan. The applicant shall submit a tree and vegetation retention plan, concurrent with applicable permit application in order to demonstrate compliance with BIMC Section 18.15.010. If multiple permits are required then the applicant must submit the tree retention plan with the first and all subsequent applications. The tree retention plan may be combined with the planting plan (see section 3 below) and shall consist of:

1. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. The survey needs to include enough information about existing trees on a property to demonstrate compliance with section BIMC Section 18.15.010.G *Total Site Tree Unit Requirements* (if applicable). New planting may be required to meet these requirements (see section 3 below).
2. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
3. A development site plan identifying size and species of the trees and tree stands, as defined in BIMC 18.15.010.C, heritage trees, or other existing vegetation that are proposed to be retained.
4. The International Society of Arboriculture (ISA) valuation for trees:
    a. Required to be retained for development projects in the R-2.9, R-3.5, R-4.3, R-8, R-14, Mixed Use Town Center (MUTC), High School Road, and Neighborhood Service Center Districts; and
    b. In all zones where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance; and
5. An analysis prepared by an certified arborist about long-term health and/or viability for trees that will be on the edge of the developed area and "post development" tree health for trees requested for removal in roadside or perimeter buffers. This analysis should also address protection during construction (see below).

6. Protection during construction strategies for trees and vegetation to be retained.

B. Description of how the tree retention plan and planting plan meet the *Total Site Tree Unit Requirements*, pursuant to BIMC 18.15.010.G, if applicable.

C. Planting Plan. All plans must be prepared or approved, by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper. The proposed landscape planting plan shall be clearly legible and show the following:
   1. A title that includes the project name, owner's name, designer's name, date and scale of no less than one inch equals 30 feet. All items shall be labeled, and north shall be oriented towards the top or left of the plan;
   2. Property boundaries, easements, and ownership as set forth in the legal description;
   3. Existing and proposed grades of at least five-foot intervals;
   4. Rights-of-way, setbacks, streets and utilities within the subject property;
   5. All proposed construction and planting and any future construction and planting that is not included in the application;
   6. Location of all existing and proposed buildings, structures, utilities and improvements within the property; and
   7. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurseryman (AAN).
   8. Vegetation clearing strategies;
   9. Topsoil protection and reuse strategies, including limiting compaction during construction;
   10. Native soil amendment strategies;
   11. Planting times and physical limits of construction; and
   12. Areas that require temporary or permanent irrigation.

Preapplication Conference

A. Basic Site Plan

B. Conceptual Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.

C. Conceptual Utilities Plan

D. ~~Conceptual Low Impact Development (LID)~~ Site Assessment Review (SAR) or SAR Exemption

E. Additional requirements for preapplication review of Short Plats and Subdivisions

1. Lot area of each existing and resultant lot (BIMC 18.12.050.J)
2. Proposed covenants or restrictions
3. Site plan – additional requirements
    a. Separate sheets depicting existing and resultant conditions
    b. Zoning and Comprehensive Plan designation for subject and adjacent properties
    c. Shoreline upland / water environment for subject and adjacent properties
    d. Proposed method to meet fire flow requirements
    e. Names and locations of adjacent subdivisions;
    f. Required roadside landscape buffers
    g. Flexible Lot Design (Open Space or Cluster): Open space consistent with requirements of BIMC 17.12 or landscape perimeter buffers (BIMC 18.15) and homesite areas

F. Additional requirements for Design Review Board preapplication review (e.g. HDDP, Site Plan and Design Review, and Conditional Use permits)

1. Project vision summary
2. Design Guideline Checklist(s)
3. Conceptual floor plan with estimated commercial and residential square footage
4. Aerial and streetscape photographs with streets and site boundaries labeled
5. Site plan - additional requirements
    a. Proposed structure footprints
    b. Proposed structure entrances
    c. Proposed location and description of mechanical equipment
    d. Proposed location of trash / recycling structures

e. Proposed location of accessory structures

6. Preliminary sections: Transverse and longitudinal site sections extending to adjacent buildings within 100 feet of property; section through the most critical area of the structure(s) with property lines, floor to floor heights, overall height, and spot elevations

7. Preliminary Elevations: Main elevations of each structure and of adjacent structures; material and color selections; mechanical screens and venting locations

8. Optional but strongly recommended
   a. Renderings: Eye level perspective from major street location; aerial perspective depicting entire project and adjacent buildings in context

   b. Exterior Lighting Plan: Location and indication of light spillage at night.

Administrative Code Interpretation Request

The director has the authority to provide interpretations of provisions, uses, or definitions in BIMC Titles 16, 17 and 18 and related provisions in BIMC Title 2, and will make these interpretations available to the public. Any person may apply to the director for an interpretation of any provision in these titles. The director shall provide the interpretation taking into account consistency with the comprehensive plan, the nature of the definition or use, and its relationship to the code and its potential impacts, such as:

A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;

B. Enclosed or open storage;

C. Anticipated employment;

D. Transportation requirements;

E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and

F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted ("P") or conditional ("C") use to the use table in BIMC 18.09.020. The director's interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

Adjustments to Approved Land Use Permits (Minor & Major)

NOTE: This permit does not apply to subdivisions- see Subdivision Adjustment and Amendment section.

A minor adjustment entails small changes in dimensions or siting of structures or the location of public amenities which does not change the intensity or the character of the use.

A major adjustment include those that modify the basic design, intensity, density and / or use.

A. Basic Site Plan

B. Utilities Plan (as applicable)

C. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.

D. Copy of the approved plan (e.g. open space plan, landscaping plan)

E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance;

F. Authorization of all owners of all lots involved in the change.

Revisions to Land Use Permits

A revision is required when there are proposed changes to a project after the application has been submitted, but has not been approved. This may arise due to differences between the original proposal and application submittals to actual field conditions, or the customer has changed their mind about an aspect of the project. In all cases, a revision to the existing permit must be submitted, reviewed and approved. Please check with your planner prior to submitting revisions, an intake appointment may be required. All submittal requirements applicable to the original application, including number of copies, are required for revisions. Revisions may be subject to additional fees.

A. Basic Site Plan

B. Utilities Plan (as applicable)

C. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.

D. Revision documents that clearly identify the proposed change, including a description of the proposed change.

E. Analysis of how the change complies with decision criteria of the approved application in the first instance (if applicable)

F. Authorization of all owners of all lots involved in the change.

Zoning Permit Applications

Site Plan and Design Review (Major & Minor)

A. Basic Site Plan

B. Utilities Plan

C. ~~Low Impact Development (LID)~~ Site Assessment Review (SAR) or SAR Exemption

D. Landscape Plan

E. Preapplication conference summary (if applicable)

F. Public participation meeting summary (if applicable)

G. State Environmental Policy Act (SEPA) checklist (if applicable)

H. Terms, conditions, covenants, and agreements under which the subject property is bound

I. Traffic analysis (if applicable)

J. Design guideline checklists

K. Narrative: A complete and detailed written statement describing the proposal, including:

   1. Intended use of the land
   2. Phasing, including the phasing of on- and off-site improvements
   3. Sequence and timing of the proposed development
   4. Proposed land ownership
   5. Commercial and residential components of the project
   6. Addressing the decision criteria per BIMC 2.16.040 E

L. Documentation of Kitsap Public Health District Concurrent Review, if not on public sewer and water;

M. Non-binding Water and Sewer availability letters (availability and phasing of system extensions)

N. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;

O. Architectural drawings, including floor plans, uses, building elevations, building sections, and roof plans;

P. Analysis of how the project meets design guidelines-Design Guidelines Checklists, if applicable;

Q. Description of proposed stormwater management system and maintenance and operation. See also Utilities Plan.

R. Description of any facilities planned for public dedication, e.g. sewage disposal system, roads, non-motorized facilities, utility lines and facilities, parks or open space.

S. Any other graphic materials required to adequately describe how the proposal meets specific regulations and guidelines, such as color palettes, material boards, and computerized models;

T. ~~For developments within the Business/Industrial (B/I) district, designated open space areas required pursuant to BIMC 18.06.060.C.1;~~ and

U. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting, on the architectural elevations or on a form provided by the department of planning and community development.

V. A survey may be required depending on project complexity; and

W. Design Review Board (DRB) Final Design Review (as applicable)

The Final Design Review is the last review by the DRB. It is presented after incorporating the recommendations from the Pre-application Project Review and can include other refinements that have occurred to the design. When the planner determines the required exhibits are complete, he will assign a date for the Final Project Review. The purpose of the final project review is to review a proposed project for compliance with applicable design guidelines, and to ensure that the project reflects any revisions recommended by the DRB at the pre-application review.

The Design Review Board reviews the application materials electronically member. The DRB comments and recommendations are based on how the exhibits and drawings incorporate or interpret the design guidelines. The applicant will present the project using appropriate size graphics for the whole Board to see, either on minimum 24 x 36 boards or using a projector and screen. Optional but strongly recommended items are so indicated:

1. Final Project Vision Summary, incorporating DRB pre-application comments, and Design Guideline Checklist;

2. Final Context Analysis includes:

    a. Aerial photo (Google Earth Image is sufficient) and streetscape photos with streets and site boundaries indicated.

    b. Vicinity map showing existing conditions including adjacent structures, uses and zoning.

3. Final Sections includes:

    b. Final transverse and longitudinal sections through the entire site extending 100 feet past the property line to adjacent buildings or buildings across a roadway.

b. Final transverse and longitudinal sections through each structure with property lines, floor to floor heights, overall height, and spot elevations noted.

4. Final Elevations include:

   a. Final elevations of each structure including exterior mechanical screens, venting locations and adjacent structures in context.

   b. Final material board and color notes as needed for clarification.

   c. Scale figures and transparent street trees or planned landscaping. **OPTIONAL, BUT STRONGLY RECOMMENDED.*

   d. Shadows should clarify modulation. **OPTIONAL, BUT STRONGLY RECOMMENDED.*

5. Final Renderings are **OPTIONAL, BUT STRONGLY RECOMMENDED*

   a. Eye level perspective renderings from two opposite street locations.

   b. At least one depicting entire project with adjacent buildings in context

6. Final Exterior Lighting Plan includes descriptions, images, color and finish of selected features.

7. Any other graphics requested during the Preliminary Site Plan Review.

Conditional Use Permit (Major & Minor)

A. Basic Site Plan

B. Utilities Plan

C. ~~Low Impact Development (LID)~~ Site Assessment Review (SAR) or SAR Exemption

D. Landscape Plan

E. State Environmental Policy Act (SEPA) checklist (if applicable)

F. A complete and detailed written statement of the intended use of the land and the sequence and timing of the proposed development

G. The terms, conditions, covenants, and agreements under which the subject property is bound, if any

H. Affidavit of ownership or agreement to work on the owner's behalf

I. Land dedicated for park and recreational facilities, if applicable

J. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting

K. Written statement describing how the application meets all applicable decision criteria

L. Institutional development in residential zones shall submit the following items:

1. A traffic report, showing the effects on level of service (LOS) on affected roads
2. A fencing plan or alternative methods to protect the public health, safety and welfare
3. Vehicular, pedestrian, and bicycle access and site circulation
4. Commercial/Mixed Use Design Guidelines Checklist BIMC 18.18.030.C

Variance (Major & Minor)

A. Basic Site Plan

B. State Environmental Policy Act (SEPA) checklist (if applicable)

C. Terms, conditions, covenants, and agreements under which the subject property is bound

D. Narrative – A complete and detailed written statement describing the proposal, including:

1. Reason for the variance request
2. Detailed description of how the proposal will meet the decision criteria
3. Visual impacts of proposed structures, including proposed screening

Housing Design Demonstration Project

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a Housing Design Demonstration Project:

A. Survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.

B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.

C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.

D. A description of the required development standards, compared with the standards that relief is being requested. This includes, but is not limited to, setbacks, open space, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter.

E. Photographs of the subject and adjacent properties key to the basic site plan.

F. Landscape Plan.

G. A detailed description of any project phasing.

H. A description of how the proposed development is consistent with the surrounding neighborhood character.

I. A description of how the proposed development complies with the goals of BIMC 2.16.020.Q, project evaluation criteria as described in BIMC 2.16.020.Q, and all relevant decision criteria.

J. A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels.

Sign Permit

A. Basic Site Plan

1. Position of buildings
2. Landscaped areas
3. Sign configuration
4. Sign size
5. Sign elevation

B. Sign Permit Worksheet

C. Drawing or photo of proposed sign(s) including dimensions and height above ground.

D. Engineering specifications (if applicable).

Wireless Communication Facility Permit (WCF)

A. Basic Site Plan

1. Additional requirements

a. Location, elevation and dimensions of existing facility components

b. Location, elevation and dimensions of proposed facility components

c. Existing and proposed site grade

d. Area of ground disturbance for construction activities

e. Primary viewshed of the proposed WCF

f. Proposed height

g. Coverage area at proposed height (may be inset map or on separate sheet)

h. Inventory of WCF sites in or within a one mile radius of the City that are operated by the applicant

B. Landscape Plan

1. Additional landscape plan information required:

a. Type and location of vegetation screen of WCF components in viewshed context

b. Height of vegetation screen at maturity (e.g. monopole/tower 2/3 height screening)

c. Type and location of topographic or structural screening (e.g. wall, fencing)

d. WCF paint/camouflage color scheme in viewshed context

e. Security fencing height, vegetation screening and paint/camouflage screening

C. Detail Drawing

1. Antenna

2. Support structure and any protrusion from the support structure

3. Transmission device

4. Equipment shelter

D. Photo/visual simulations of the proposal from affected properties and public rights-of-way at varying distances

E. Narrative

1. An explanation of the need for the proposed WCF

2. Location priority analysis (e.g. co-location vs. commercial building)

3. Height and design of WCF sites in or within one mile of the City

4. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)

5. Feasibility of underground location for equipment facilities

6. Equipment noise evaluation (e.g. dB at nearest property line)

F. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations

G. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)

H. Additional information required for:

1. Tower modification

    a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes including:

        i. number and types of antennas the tower can support

        ii. basis for capacity calculation

        iii. statement that the proposal complies with applicable FCC guidelines and standards

1. Base station modification

2. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes

3. Applications for facilities other than Facility I or II

    a. Documentation of efforts to co-locate on existing facilities

Wireless Eligible Facilities Modification Permit (EFM)

A. Basic Site Plan

1. Site plan additional requirements

    a. Location, elevation and dimensions of existing facility components

    b. Location, elevation and dimensions of proposed facility components

    c. Area of ground disturbance for construction activities

    d. Existing and proposed site grade

B. Landscape Plan

2. Additional landscape plan information required

    a. Type and location of vegetation screen of WCF components in viewshed context

    b. Height of vegetation screen at maturity (e.g. monopole / tower 2/3 height screening)

    b. Type and location of topographic or structural screening (e.g. wall, fencing)

    c. WCF paint / camouflage color scheme in viewshed context

d. Security fencing height, vegetation screening and paint/ camouflage screening

C. Detail Drawing

1. Antenna
2. Support structure and any protrusion from the support structure
3. Transmission device
4. Equipment shelter

D. Photo/visual simulations of the proposal from affected properties and public rights-of-way at varying distances

E. Assertion that the proposal is subject to review under Section 6409 of the Spectrum Act

F. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)

G. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations

H. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)

I. Additional information required for:

1. Tower modification
    a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes including:
        i. number and types of antennas the tower can support
        ii. Basis for capacity calculation
        iii. Statement that the proposal complies with applicable FCC guidelines and standards
2. Base station modification
    a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes
3. Height increase
    a. Detail record drawings/as-built plans showing the greater of the constructed height or the height approved by the City prior to passage of the Spectrum Act
4. Modification involving hardening through structural enhancement
    a. Geotechnical report demonstrating the enhancement is necessary

Subdivision Applications

Boundary Line Adjustment

A. Basic Site Plan

B. Survey drawing

   1. Conventional scale and prepared by a surveyor licensed in the State of Washington
   2. Separate sheets depicting existing conditions and resultant conditions
   3. Zoning and Comprehensive Plan designation
   4. Shoreline upland and water environment designations
   5. Proposed method to meet fire flow requirements
   6. Names and locations of adjacent subdivisions
   7. Gross lot size (in square feet) of each existing and resultant lot
   8. Lot area of each existing and resultant lot/tract (BIMC 18.12.050.J)
   9. Zoning or subdivision setbacks, as applicable
   10. Ordinary High Water Mark
   11. Required critical areas, their buffers and setbacks
   12. Required vegetation buffers

C. Existing and proposed terms, conditions, covenants, and agreements on the subject property

D. Perimeter lot closures for each existing and resultant lot

E. Title report dated not more than six months prior to application

F. Property legal description

G. Draft agreements (e.g. use easement, road maintenance agreement)

H. Water and sewer availability letters (public water/sewer) for each resultant lot

I. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report/assessment

Preliminary Subdivision (Short Plat / Long /Large Lot)

A. Basic Site Plan

B. Utilities Plan

C. ~~Low Impact Development (LID)~~ Site Assessment Review (SAR) or SAR Exemption

D. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.

E. Preliminary Plat

1. Conventional scale and prepared by a surveyor licensed in the State of Washington
2. Separate sheets depicting existing conditions and resultant conditions
3. Zoning and Comprehensive Plan designation
4. Shoreline upland and water environment designations
5. Proposed method to meet fire flow requirements
6. Names and locations of adjacent subdivisions
7. Gross lot size (in square feet) of each existing and resultant lot
8. Area (in square feet) dedicated to open space (if applicable)
9. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
10. Flexible lot setbacks
11. Required critical areas, their buffers and setbacks
12. Aquifer Recharge Protection Area, if required
13. Required roadside landscape buffers
14. Proposed Flexible Lot Design (Open Space or Cluster)
    a. Proposed lot lines and homesite locations
    b. Open space areas or landscape perimeter buffers

F. State Environmental Policy Act (SEPA) checklist (if applicable)

G. Existing and proposed terms, conditions, covenants, and agreements on the subject property

H. Preapplication conference summary letter

I. Perimeter lot closures for each existing and resultant lot

J. Title report dated not more than six months prior to application

K. Property legal description

L. Draft agreements (e.g. Open Space Management Plan, road maintenance agreement)

M. Non-binding water and sewer availability letters (for public water / sewer) for each lot

N. Traffic impact analysis/application for traffic concurrency or concurrency statement

O. Other technical reports (as applicable):

1. Wetland delineation and report or wetland determination
2. Geotechnical report/assessment
3. Shoreline Site Specific Analysis
4. DNR Forestry permit
5. Habitat Management Plan

P. Other special submittal requirements identified in the pre-application conference summary

Plat Utility Permit (All Subdivisions)

Construction plan submittal requirements to obtain a plat utility permit for civil improvements associated with a short- or long-subdivisions are found in City of Bainbridge Island Design and Construction Standards manual. The plan requirements and definitions differ from those in the administrative manual. Please review the specific requirements with the assigned City project engineer for large/complex projects.

A. Construction Plans - Full-scale drawings on 24-inch by 36-inch paper with margins set to provide half-scale drawings on 11-inch x 17- inch paper.

General Plan Requirements:

- ☐ North shall be shown up or to the left on the plans, and in no case will north be shown in opposing directions on the same or connecting sheets.
- ☐ A vicinity map shall be located on the drawing. The scale shall be 1 inch = 1000 feet and with an approximate one square mile with the project site approximately centered. A scale at least 1 inch long shall be drawn on the map. A North arrow shall be on the map. The site address shall be shown below the vicinity map.
- ☐ City datum with city-established benchmark (BM) number and elevation. BM information is available from the city's right-of-way specialist.
- ☐ A detailed description of the site, including lot number, quarter section, township and range, unless otherwise noted by the city engineer.
- ☐ Current zoning of site and of adjacent properties.
- ☐ Lot size(s) with perimeter distances and bearings of the site shown on the plan.
- ☐ Project name in the title block.
- ☐ Owner/developer name, address, and phone number in the title block.
- ☐ Design engineer's name, address, and phone number in the title block.
- ☐ Boundary and topographic survey of existing conditions with a contour interval of no less than 5 feet (no less than 10 feet for Large Lot Subdivisions).
- ☐ Proposed and existing rights-of-way and easements shall be clearly identified and dimensioned. New public utility easements shall be a minimum of 20 feet in width. Utilities shall be centered in the easement. Show Kitsap County recording numbers for all existing easements.
- ☐ All pertinent existing and finish elevations.
- ☐ Existing natural drainage ways such as swales, ditches, etc. Path of flow with arrows and elevations.
- ☐ Lakes, rivers, streams, flood plains, wetlands, sensitive slopes, and other sensitive areas.
- ☐ Limits and elevations of 100-Year Floodplain, including delineation of the floodway and flood fringe.
- ☐ General plan notes consistent with the Standards shall be shown on the plan.

On-site plans for private property improvements shall have vertical scale of one inch equals 5 feet and horizontal scale of one inch equals 50 feet. Profiles, where required, may be drawn on plan sheets.

Off-site plans for public dedication of improvements (i.e. water, sewer, storm drainage, and streets) shall have a vertical scale of one inch equals 5 feet and horizontal scale of one inch equals 40 feet. All off-site plans shall have the corresponding plan/profiles on the same sheet.

Five copies of the construction drawing set are required.

A digital set in PDF or TIFF format shall be included with the application.

See the applicable Standards for plan requirements in the DCS Manual or the applicable zoning code requirements.

Plans may be incorporated on the same sheet where clarity is not affected.

Specific Plan Requirements:

- ☐ Preliminary conditions of approval.
- ☐ Grading, Drainage, and Erosion and Sediment Control (GDESC) Plan.
- ☐ Street plan or plat road plan.
- ☐ Parking plan.
- ☐ Utility plan (water, sewer, and dry/franchise utility location and coordination).
- ☐ Significant tree/tree retention plan.
- ☐ Open space management plan, where applicable.
- ☐ Landscaping plan.

B. Reports and Supporting Documentation/Calculations

- ☐ Stormwater management report consistent with BIMC 15.20 and the current adopted Stormwater and Low Impact Development manuals.
- ☐ Drainage design calculations.
- ☐ Soil logs and infiltration rate determination, where applicable.
- ☐ Geotechnical report, where applicable.
- ☐ Domestic (multi-family), commercial and fire flow calculations.
- ☐ Sewer conveyance calculations.

C. Facilities (Water, Sewer, Storm Water and Streets) Extension Agreement Application

- ☐ Application shall indicate whether a latecomer reimbursement will be requested.
- ☐ Drawings shall be submitted showing generally the proposed location, type, and size of the utility or street improvements.

The extension agreement application shall be completed by the owner and submitted with the applicable processing fee consistent with BIMC 13.32.

Final Short Plat / Subdivision

A. Plat Utilities Plan (engineered drainage plan / report or minor plan as applicable)

B. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.

C. Final Plat, as modified by conditions of approval

1. Applicable plat conditions of approval
2. Ties to permanent monuments
3. Controlling reference points or monuments
4. Bearing and length of lines
5. Origin of meridian or basis of bearings
6. Surveyor's certificate signed by the surveyor who prepared the final plat:

> *"I, _____, registered as a professional land surveyor by the State of Washington, certify that this Subdivision is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__, that the distances, courses, and angles shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon."*

7. Disclaimer regarding road maintenance:

> *"Responsibility and expense for maintenance of streets serving lots within this short plat/subdivision shall rest with the lot owners unless such roads have been accepted by the City."*

8. If plat improvements are assured, a prominent note on the face of the final plat:

> *"The lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City of Bainbridge Island. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."*

9. Signature and date lines for the City Planning Director
10. Signature and date lines for certification by the County Treasurer
11. Signature and date lines for the Health District

12. Declaration regarding further subdivision:

> *"Land in a short subdivision may not be further divided through a short plat within a period of five years recording the final short without meeting the standards of and being reviewed as a long subdivision."*

D. Statement of compliance listing the plat conditions and how each condition is met

E. Perimeter lot closures for each existing and resultant lot

F. Title report dated not more than six months prior to application

G. Binding water and sewer availability letters (for public water/sewer) for each lot

H. Final agreements (e.g. Open Space Management Plan, road maintenance agreement)

I. Estimate approved by the City for financially assurance of plat improvements

Subdivision Alteration/Amendment

A. Proposed plat alteration/amendment

B. Narrative including a description of the proposed change and a detailed analysis of how the change complies with decision criteria of the application used in the first instance;

C. A copy of the existing final plat

D. A copy of the open space management plan, as applicable;

Environmental and Critical Area Permits

~~Clearing~~ Tree Removal/Vegetation Maintenance Permit

A. Basic Site Plan

B. Trees ~~or~~ and vegetation proposed to be removed (also show on Basic Site Plan)

C. Size (diameter breast height [dbh]) of trees to be removed (Required only for commercial, institutional, multifamily, and mixed use development and any properties in Mixed Use Town Center, High School Road, R-2.9, R-3.5 and R-4.3 zones. Also show on Basic Site Plan)

~~D. Calculation of board feet for removed trees~~

E. ~~Low Impact Development (LID)~~ Site Assessment Review (SAR) or Exemption (if applicable)

F. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20 (if applicable).

~~G. For clearing within 200 feet of OHWM (shoreline jurisdiction), or required vegetation buffers (e.g. landscape buffers, no-cut buffers), one or more of the following will be required:~~

1. ~~Mitigation/Replanting plan~~

2. ~~Site specific impact analysis report~~

F. Planting plan (see Landscape Plan section above) if tree removal brings a property below applicable tree unit requirements (see BIMC Section 18.15.010.G) or is proposed within required open space, vegetation buffers (e.g. landscape buffers, no-cut buffers), or any other trees required to be retained through an approved land use permit. Planting plan should ensure that property continues to meet any applicable tree requirements.

~~Vegetation Management Permit~~

~~A. Basic Site Plan~~

~~B. Property legal description~~

~~C. A site assessment plan/harvest plan (BIMC 16.22.060)~~

1. ~~Engineer's scale, for example: 1 inch = 20 feet~~
2. ~~Uses on adjacent properties~~
3. ~~Existing stands of trees, specifying predominant species, species mix and age class;~~
4. ~~Location of critical areas and buffers as designated under Chapter 16.20; designated open space, and designated scenic and/or wildlife corridors;~~
5. ~~Ordinary High Water Mark (OHWM) and the 200 foot Shoreline Master Program jurisdiction line;~~
6. ~~Proposed location and area (in square feet) to remain in forest;~~
7. ~~Proposed location and area (in square feet) to be cleared of trees and/or vegetation;~~
8. ~~Proposed areas to be thinned of trees;~~
9. ~~All existing and proposed access roads and utilities;~~
10. ~~Proposed log landing areas;~~
11. ~~Any structures on the property;~~
12. ~~Topography, at 5 foot intervals;~~
13. ~~Name, address and phone number of the timber operator (if applicable).~~

~~C. Storm drainage design and/or Low Impact Development (LID) Site Assessment (as applicable), pursuant to BIMC 15.20.~~

~~D. Any critical areas report, as required by BIMC 16.20, such as a geotechnical report or wetland delineation.~~

~~E. Open space management plan, if the application is part of an existing or proposed subdivision.~~

~~F. An environmental checklist, as required by the State Environmental Policy Act.~~

Farm Management Plan

In order to exceed maximum animal density allowances provided for in BIMC 18.09.030, a farm management plan approved by the City, its designee, or a qualified third party must be implemented and maintained. The farm management plan shall contain the following:

A. Basic site plan, with the following additional information

   1. Adjacent residences

   2. location and area of all pasture area(s), shelter structure(s), compost and manure storage,

B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;

C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;

D. Emergency response plan and emergency response contacts

E. Description of the potential impacts of animal agriculture and use of applicable National Resource Conservation Service (NRCS) conservation practice standards or equivalent measures to mitigate impacts, including:

   1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.

   2. Noise and Odor. Impacts related to the location on the lot of the animal pasture and shelter, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.

   3. Agricultural Chemicals. Impacts related to the use of chemicals, including any manure, fertilizer and pesticide.

   4. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.

   5. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.

   6. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of pasture, composting activities and manure storage, and any existing or proposed screening.

Agricultural Retail Plan

A. Basic Site Plan including a delineation of specific use areas (pasture, heavy use area, etc.).

B. Farm Management Plan, if required pursuant to BIMC 18.09.030.A.1.

C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Reasonable Use Exception

A. Basic Site Plan

B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;

C. Critical Area Report. A critical areas report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared in accordance with the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;

D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;

E. An environmental checklist when required by the State Environmental Policy Act and BIMC 16.04;

F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and

G. A complete and detailed written statement of the reason(s) for requesting the reasonable use exception including a detailed description of how the proposal will meet the reasonable use exception criteria as defined in BIMC 16.20.080:

1. The application of Chapter 16.20 would deny all reasonable use of the property;

2. There is no reasonable alternative to the proposal with less impact to the critical area or its required buffer;

3. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (BIMC 16.20.030);

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

5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;

6. The proposed total lot coverage does not exceed 1,200 square feet for residential development;

7. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;

8. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements applicable to the critical area altered;

9. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values;

10. The proposal addresses cumulative impacts of the action; and

11. The proposal is consistent with other applicable regulations and standards.

H. A copy of the pre-application conference summary letter.

Buffer Enhancement Plan

A. Basic Site Plan

B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;

C. Buffer Enhancement Plan. A buffer enhancement plan prepared in accordance with applicable state and federal agency standards and the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;

D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;

E. An environmental checklist when required by the State Environmental Policy Act and BIMC 16.04; and

F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal.

Critical Area Permits (Minor and Major)

All applications for critical area permits shall include a Basic Site Plan. Additional submittal requirements for critical area permits are contained within the Critical Areas Ordinance and will vary depending on the type of critical area. Specific submittal requirements are described in each of the following sections of BIMC 16.20:

- Trees and vegetation – BIMC 16.20.090.G (minor)
- Critical aquifer recharge areas – BIMC 16.20.090.B.3 (minor)
- Fish and wildlife habitat conservation areas – BIMC 16.20.110.D and F (minor or major)
- Geologically hazardous areas – BIMC 16.20.130.C (minor)
- Wetlands – BIMC 16.20.140.F (minor or major)
- Winslow Ravine – BIMC 16.20.150.C (major)

Any required reports, studies, plans or letters shall be prepared in accordance with applicable state and federal agency standards and the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions.

Applications for major critical area permits shall also include:

A. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;

B. A written narrative describing how the proposal meets the critical area permit review criteria as defined in BIMC 16.20.070.B;

C. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;

D. An environmental checklist when required by the State Environmental Policy Act and BIMC 16.04; and

E. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal.

Shoreline Master Program Application Submittal Requirements

Shoreline Clearing Permit

A. Basic Site Plan, including:

1. Species and location of trees or other vegetation proposed to be removed
2. Size (dbh) of trees to be removed
3. Area (square feet) of canopy coverage to be removed. Canopy coverage includes trees and shrubs.
4. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20

B. Supplemental materials, as applicable:

1. Arborist report, for removal of hazard trees, or any vegetation removal within geologically hazardous areas or buffers/setbacks

2. Geotechnical report, for any vegetation removal within geologically hazardous areas or buffers/setbacks

C. Replanting plan, including:

1. Species, size, quantity, and location of trees or other vegetation proposed to be planted

The following requirements apply to all SMP applications:

Shoreline Exemption Shoreline Substantial Development Permit

Shoreline Conditional Use Permit Shoreline Variance

A. Basic Site Plan, with the following additional information:

1. Location of Ordinary High Water Mark (OHWM);
2. Location of Shoreline Buffer;
3. Location of Shoreline Structure View Setback;
4. Shoreline dimensional setbacks;
5. Location of native vegetation and significant trees;
6. If structures have any attachments (e.g. deck, balcony, etc.), include elevation drawings and calculations of grade
7. For overwater structures or development: littoral boundaries and elevation drawings with tidal elevations development
8. For mooring buoys the following additional information:
    a. Location of proposed buoy with latitude and longitude coordinates and swing circle;
    b. Location of surrounding buoys, floats, or docks;
    c. Distance measurement of proposed buoy to surrounding buoys, floats, or docks.

B. No Net Loss Documentation

All shoreline development, use and activities, regardless of whether a permit is required, must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. To demonstrate that the no net loss standard is met, and applicant must either:

1. Use the Standard Single-Family Residential Mitigation Manual -- Submit the checklist and supporting documents with your application; or

2. Submit a Site-specific Analysis -- The site-specific analysis must be completed by a qualified professional. Submit the site-specific analysis with your application.

C. Additional Documents

Depending on existing site conditions and proposed development activities, your application may require additional reports and/or studies to identify and assess potential project impacts. These include:

1. Wetland delineation and categorization (See BIMC 16.12.060.L)
2. Geotechnical Report (See BIMC 16.12.060.K)
3. Bluff Management Plan (See BIMC 16.12.060.K)
4. Utilities Plan
5. ~~Low Impact Development (LID)~~ Site Assessment Review (SAR) or SAR Exemption
6. State Environmental Policy Act (SEPA) Checklist
7. Shoreline Stabilization Projects have additional submittal requirements listed in the City's Shoreline Master Program Section 6.2.10
8. For Mooring Buoys, with the following additional information:
    a. Cross-Sectional View Worksheet
    b. Proof of submittal of site plan with latitude and longitude coordinates, vicinity map, and cross-sectional view worksheet to the Suquamish Tribe.
        i. Copy of notification e-mail sent to Alison O'Sullivan, Biologist, Suquamish Tribe is acceptable (aosullivan@suquamish.nsn.us).
    c. Name and contact information of the diver/biologist qualified to install an embedment style anchor
        i. An aquatic vegetation dive survey is required if a surface style anchor is proposed (Concrete block, Danforth, etc.)
    d. Depending on the location of the buoy, your application may require additional submittal documents. These include:
        i. State Environmental Policy Act (SEPA) Checklist: Required only if placement location is not on Department of Natural Resources leased land
    e. Signed copy of Attachment E: Aquatic Use Authorization on Department of Natural Resources (DNR)- managed aquatic lands. This form must be submitted to and signed by DNR prior to making application to the City. Please note that Attachment E is not required for buoys that are proposed to be installed on privately held tidelands.

i. Attachment E must include DNR signature at time of submittal to the City to verify that DNR has been notified of the proposed buoy location. Attachment E is submitted to DNR along with a Joint Aquatic Resources Permit Application (JARPA)

Attachment E and the JARPA form can be found here:

http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx

D. Decision Criteria
Applications for shoreline variances and shoreline conditional use permits must include a narrative explaining how the project meets the decision criteria, provided in BIMC Section 2.16.165.

Legislative Applications Submittal Requirements

Legislative Review of Development Regulations

An application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

A. A complete and detailed written statement explaining the existing regulations and proposed changes (including specific language, if possible);

B. A detailed description of how the proposal meets the goals and policies set forth in the Comprehensive Plan; and

C. A completed SEPA checklist including supplemental sheet for nonproject actions (if applicable); and

D. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Rezone (Site-specific and Area-wide)

A rezone application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

A. A complete and detailed written statement explaining how the subject property is suitable for the proposed rezone and why the rezone would not be detrimental to surrounding land uses.

B. A map that shows address topography, streets, adjacent land uses, utilities and other pertinent factors that would justify the proposed rezone;

C. A detailed description of the proposed use for which the rezone is sought and how such action meets the decision criteria in BIMC 2.16.140;

D. A legal description of the property(ies) and tax lot number(s);

E. The names and addresses of all property owners; and

F. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

G. A completed SEPA checklist including supplemental sheet for nonproject actions.

Comprehensive Plan Amendment

A comprehensive plan amendment application and fee as established by city council resolution must include the following:

A. A complete and detailed written statement including the nature of and reason for the amendment request, any specific suggested changes to the plan or appendices;

B. A description of how the amendment request is consistent with all of the decision criteria specified in BIMC 2.16.190.H;

C. A completed SEPA checklist including supplemental sheet for nonproject actions; and

D. Any other reports or studies identified during the preapplication conference. (Ord. 2006-13 § 4, 2006)

Appendices

SMP Submittal Requirements for Site Specific Analysis

The Site Specific Analysis can be viewed on the City's website:
http://www.bainbridgewa.gov/DocumentCenter/View/7306

Single-family Residence Shoreline Mitigation Manual

The Single-family Residence Shoreline Mitigation Manual can be viewed on the City's website:
http://www.bainbridgewa.gov/DocumentCenter/View/5663

Sign Permit Worksheet

The Sign Permit Worksheet can be viewed on the City's website:
http://www.bainbridgewa.gov/DocumentCenter/View/7408

Suggested Landscape Materials Matrix

The table below provides a list of suggested plant materials recommended for use on Bainbridge Island. Additional plants may be added to this list as deemed appropriate by the department. Plants shall be selected based upon site-specific conditions that may affect plant growth such as sun exposure, soil types, shoreline conditions, adjacent site improvements, etc. Plant material selection shall be coordinated with utility company requirements to avoid conflicts.

Plant Materials Matrix										
Suggested Species		Type of Area or Need								
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines	
Large deciduous trees										
Acer macrophyllum	Bigleaf Maple			X	X	X				
Acer rubrum species	Red Maple variety	X	X					X		
Acer saccharum	Sugar Maple	X	X							
Acer platanoides species	Norway Maple variety	X	X					X		
Alnus oregona	Red Alder			X	X	X	X			
Fagus sylvatica	European Beech		X				X	X		
Fraxinus latifolia	Oregon Ash			X	X	X				
Gingko biloba ‘Sentry’	Columnar Maidenhair		X				X			
Liquidambar styraciflua	American Sweet Gum	X	X				X	X		

Plant Materials Matrix										
Suggested Species		Type of Area or Need								
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines	
Liriodendron tulipifera	Tulip Tree		X							
Platanus x acerifolia	London Plane		X							
Populus trichocarpa	Black Cottonwood				X	X				
Quercus species	Oak variety	X	X				X			
Quercus robur 'Fastigiata'	Upright English Oak	X	X				X	X		
Quercus rubra species	Eastern Red Oak	X	X				X			
Salix species	Willow variety				X	X		X		
Tilia cordata	Littleleaf Linden	X	X					X		
Medium deciduous trees										
Acer campestre	Hedge Maple	X					X		X	
Betula species	Birch variety		X							
Carpinus betulus	European Hornbeam	X	X				X	X		
Cercidiphyllum japonicum	Katsura Tree		X							
Cornus species	Dogwood variety			X		X	X			
Fraxinus pennsylvanica 'Marshall'	Marshall's Seedless Ash	X	X				X			

Plant Materials Matrix										
Suggested Species		Type of Area or Need								
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines
Populus tremuloides	Quaking Aspen				X	X			
Prunus species	Flowering Cherry variety	X	X				X	X	
Pyrus calleryana species	Flowering Pear variety	X	X				X		
Zelkova serrata 'Village Green'	Sawleaf Zelkova	X	X						
Small deciduous trees									
Acer circinatum	Vine Maple		X	X	X	X			X
Acer davidii	David Maple		X						
Acer ginnala	Amur Maple	X	X					X	X
Acer palmatum	Japanese Maple		X						X
Amelanchier species	Serviceberry variety		X	X	X	X			X
Carpinus species	Hornbeam variety	X	X				X	X	
Cornus florida	Eastern Dogwood		X						X
Cornus kousa	Kousa Dogwood	X	X						X
Corylus cornuta californica	Western Hazelnut		X	X		X	X		X
Crataegus species	Hawthorn variety		X	X		X	X	X	X

Plant Materials Matrix									
Suggested Species		Type of Area or Need							
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines
Magnolia species	Magnolia variety	X	X					X	X
Malus species	Flowering Crabapple		X						X
Prunus species	Flowering Cherry Plum		X				X	X	X
Rhus typhina	Staghorn Sumac		X	X		X	X		X
Styrax japonica	Japanese Snowball		X						X
Evergreen trees									
Abies grandis	Grand Fir		X	X		X			
Cedrus deodara	Deodar Cedar		X				X	X	
Chamaecyparis lawsoniana	Port Orford Cedar		X	X		X	X	X	
Chamaecyparis nootkatensis	Alaska Cedar		X	X		X	X	X	
Calocedrus decurrens	Incense Cedar		X						
Picea sitchensis	Sitka Spruce		X		X	X		X	
Pinus contorta	Shore Pine	X	X	X		X	X	X	
Pinus contorta latifolia	Lodgepole Pine		X				X	X	
Pinus densiflora	Japanese Red Pine		X				X		

Plant Materials Matrix										
Suggested Species		Type of Area or Need								
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines	
Pinus monticola	Western White Pine		X	X		X	X			
Pinus nigra	Austrian Black Pine	X	X				X	X		
Pinus ponderosa	Ponderosa Pine		X				X			
Pinus sylvestris	Scotch Pine	X	X				X	X		
Pinus thunbergii	Japanese Black Pine		X				X	X		
Pseurdotsuga menziesii	Douglas Fir		X	X		X	X	X		
Sequoidendron sempervirens	Coastal Sequoia		X					X		
Taxus brevifolia	Western Yew		X		X	X		X		
Thuja plicata	Western Red Cedar		X		X	X				
Tsuga heterophylla	Western Hemlock		X		X	X	X			
Deciduous shrubs										
Amelanchier alnifolia	Western Serviceberry		X	X	X	X		X		
Berberis species	Barberry variety		X				X			
Callicarpa japonica	Japanese Beautyberry		X							
Cornus stolonifera	Red-Osier Dogwood		X	X	X	X		X		

Plant Materials Matrix									
Suggested Species		Type of Area or Need							
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines
Enkianthus campanulatus	Red-Veined Enkianthus		X						
Elaegnus species	Elaeagnus variety		X				X	X	
Euonymus alata 'Compacta'	Winged Eunymus		X					X	
Hamamelis mollis	Chinese Witch Hazel		X						
Holodiscus discolor	Ocean Spray			X	X	X	X	X	
Hydrangea lacecap varieties	Lacecap Hydrangea		X						
Potentilla fruticosa	Potentilla		X				X	X	
Physocarpus capitatus	Pacific Ninebark				X	X			
Rhamnus purshiana	Cascara Sagrada			X	X	X			
Ribes sanguineum	Red-Flowering Currant			X	X	X			
Rosa nutkana	Nootka Rose			X	X	X		X	
Rosa rugosa	Rugosa Rose		X				X	X	
Rubus parviflorus	Thimbleberry		X	X	X	X			
Rubus spectabilis	Salmonberry		X	X	X	X		X	
Salix species	Willow variety				X	X		X	

Plant Materials Matrix										
Suggested Species			Type of Area or Need							
			Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines
	Sambucus racemosa	Red Elderberry			X	X	X		X	
	Spiraea species	Spiraea variety				X	X	X	X	
	Symphoricarpos albus	Snowberry			X		X	X		
	Syringa vulgaris cultivars	Lilacs		X					X	
	Vaccinium parvifolium	Red Huckleberry				X	X			
	Viburnum x burkwoodii	Burkwood Viburnum		X					X	
Evergreen shrubs										
	Arbutus unedo	Strawberry Tree		X				X	X	X
	Cotoneaster species	Cotoneaster variety		X				X	X	
	Ilex crenata	Japanese Holly		X						
	Kalmia latifolia	Mountain Laurel		X						
	Ligustrum japonicum	Japanese Privet		X						
	Myrica californica	Pacific Wax Myrtle		X	X	X	X	X	X	
	Umbellularia californica	California Bay Laurel	X	X				X	X	X
	Osmarea x burkwoodii	Burkwood Osmarea		X				X		

Plant Materials Matrix										
Suggested Species		Type of Area or Need								
		Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines	
Osmanthus delavayi	Delavay Osmanthus		X				X	X		
Photinia frazeri	Japanese Photinia		X				X	X		
Pieris floribunda	Mountain Pieris		X					X		
Pieris japonica	Japanese Pieris		X					X		
Prunus lusitanica	Portuguese Laurel		X				X			
Pinus mugo	Mugho Pine		X				X	X		
Rhododendron species and hybrids	Rhododendrons and Azaleas		X	X		X		X		
Vaccinium ovatum	Evergreen Huckleberry		X	X	X	X		X		
Viburnum sinus species	Laurustinus variety		X				X	X		
Cornus alba ‘Sibirica’	Siberian Dogwood									
Groundcovers										
Arctostaphylos uva-ursi	Kinnikinnick		X	X		X	X	X		
Berberis nervosa	Cascade Mahonia		X	X		X	X			
Calluna vulgaris	Scotch Heather		X					X		

Plant Materials Matrix										
Suggested Species			Type of Area or Need							
			Parking lot trees	Landscape buffer areas	Critical areas – Uplands	Critical areas – Wetlands/streams	Native species	Drought resistant	Shoreline	Near utility lines
	Ceanothus gloriosus	Point Reyes Ceanothus		X				X	X	
	Cotoneaster microphyllus 'Cochleatus'	Rockspray Cotoneaster		X				X	X	
	Erica carnea	Winter Heath		X					X	
	Erica x darleyensis	Mediterranean Heather		X						
	Euonymus fortuei	Winter Creeper Euonymus		X					X	
	Gaultheria shallon	Salal		X	X	X	X	X	X	
	Hypericum calycinum	St Johnswart		X					X	
	Ilex crenata varieties and cultivars	Japanese Holly		X						
	Mahonia species	Mahonia variety		X					X	
	Pachysandra terminalis	Japanese Spurge		X				X		
	Sarcococca hookerana	Sarcococca		X						
	Vinca minor	Periwinkle		X				X	X	
	Source: Hough, Beck & Baird Inc.									

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:15 PM) Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Resolution No. 2018-35.

SUMMARY:
Resolution No. 2018-35 proposes to amend the City's fee schedule in response to recent legislative activity of the City Council, including fees related to Ordinance No. 2018-19, relating to tree removal permitting and landscaping maintenance, and fees related to the interim official control initially adopted under Ordinance No. 2018-25, related to Landmark Trees.

FISCAL IMPACT:

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

BACKGROUND: Resolution No. 2018-35, if approved, implements a $180 permit fee for Landmark Tree Removal Permits, Tree Removal/Vegetation Maintenance permits (formerly clearing permit), and Shoreline Clearing Permits. $180 is the hourly rate of planning staff. There will be an exception to the fee for the removal of hazard trees.

The proposed resolution would remove the fee for Vegetation Management Permits. These permits currently do not have a fee associated with them, as Chapter 16.22 BIMC, Vegetation Management, was repealed by Ordinance 2018-11 on April 24, 2018.

The proposed changes to the City's Fee Schedule are highlighted in yellow on the attached version of Resolution No. 2018-35.

City staff recommends that the City Council approve Resolution No. 2018-35 on November 27, 2018, so that the fees related the Tree Removal/Vegetation Maintenance Permit will be in place on December 3, 2018, which is the effective date of Ordinance No. 2018-19.

ATTACHMENTS:

Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2018-35

A RESOLUTION of the City of Bainbridge Island, Washington, amending the City's fee schedule in response to recent legislative activity of the City Council, including fees related to Ordinance No. 2018-19, and fees related to the interim official control initially adopted under Ordinance 2018-25 related to Landmark Trees.

WHEREAS, on June 26, 2018, the City Council enacted Ordinance No. 2018-25, adopting Chapter 16.32 BIMC, *Protection of Landmark Trees*, which provides a new level of protection for larger trees; and

WHEREAS, on October 23, 2018, the City Council enacted Ordinance No. 2018-19, which amended BIMC 18.15.010 and replaced Chapter 16.18 BIMC, *Land Clearing*; and

WHEREAS, the City's Fee Schedule needs to be updated to reflect fees for these new and revised permits and processes.

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

Section 1. Section 9, Building and Planning Fees, of the City's Fee Schedule is hereby amended as shown on the attached **Exhibit A**, which is hereby incorporated into this resolution as if set forth in full.

Section 2. This resolution will take effect immediately upon passage, except that the Removal of a Landmark Tree Permit fee, described on **Exhibit A**, will not take effect until five days after the passage and publication of Ordinance No. 2018-45.

PASSED by the City Council this ___ day of _____, 2018.

APPROVED by the Mayor this ___ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: November 21, 2018
PASSED BY THE CITY COUNCIL: , 2018
RESOLUTION NO. 2018-33

Exhibit A: Section 9 of the City's Fee Schedule

9. BUILDING AND PLANNING FEES

(Resolution Nos. 99-26, 2000-33, 2001-43, 2002-15, 2003-24, 2006-50, 2011-24, ~~and~~ 2017-01, and 2018-33, unless otherwise indicated)

The charges in this section are in addition to any applicable charges in other sections.

All fees and charges shall be paid before an application is deemed complete, and issuance of a permit or approval may be withheld until all fees and charges have been paid.

ADMINISTRATIVE PROCESSING FEES

ADMINISTRATIVE CODE INTERPRETATION (Resolution No. 2006-50)	$382.00
AFFORDABLE HOUSING – OPTIONAL FEE IN LIEU (Resolution No. 2006-50)	$36.00 per Square Foot
AFTER-THE-FACT INVESTIGATION FEE (BIMC 15.040.050 C, Ordinance No. 2013-10)	100% of total of Building Permit Fee + Building Plan Check Fee + Planning Review Fee
AGRICULTURAL CONDITIONAL USE	$1080.00
AGRICULTURAL RETAIL PLAN (Resolution No. 2006-50)	$191.00
APPEAL OF ADMINISTRATIVE DECISIONS (Ordinance No. 92-24, BIMC 2.16, Resolution No. 2006-50)	$530.00
APPEAL OF EIS ADEQUACY (Resolution No. 2006-50)	$530.00
APPEAL OF HEARING EXAMINER OR PLANNING COMMISSION DECISION (Ordinance No. 92-24, BIMC 2.16, Resolution No. 2006-50)	$530.00
APPEAL OF SEPA DETERMINATION (Ordinance No. 92-24, Resolution No. 2006-50)	$530.00
BOUNDARY LINE ADJUSTMENT (Ordinance No. 92-24, Resolution No. 2006-50)	$954.00

BUILDING ABATEMENT (Ordinance No. 92-24)	see ENFORCEMENT
BUILDING FEE (SBCC) (Ordinance No. 92-24) This fee is remitted to the State of Washington and funds studies on building activity.	$4.50 for the first unit, plus $2.00 for each additional unit
BUILDING PERMIT (Ordinance No. 2007-08)	Calculated from the 1997 UAC (Uniform Administrative Code) Table 3-A, using current Building Valuation Data from the International Code Council, times a factor of 1.41
BUILDING RE-INSPECTION FEE (Ordinance No. 2007-08)	Based on the 1997 UAC Table 3-1
~~CLEARING PERMIT (AFTER-THE-FACT)~~ ~~(Ordinance No. 2015-03, Resolution No. 2015-01)~~	~~$500~~
CODE ENFORCEMENT	See ENFORCEMENT
COMPREHENSIVE PLAN AMENDMENT (Ordinance No. 99-47, Resolution No. 2006-50) Fees are due upon filing of the application.	
Site Specific	$1,526.00
Not Site Specific	$265.00
CONDITIONAL USE PERMIT –MINOR (Ordinance No. 94-03, Resolution Nos. 2006-50, 2011-24)	$4,770.00 (except as noted below)
CONDITIONAL USE PERMIT – SPECIFIED CEMETERIES (Conditional Use Permits related to the establishment or expansion of cemeteries where no buildings are to be constructed or used.)	$1,097.00
CONDITIONAL USE PERMIT – MAJOR (Ordinance No. 99-47, Resolution Nos. 2006-50, 2011-24)	$10,494.00
CONSOLIDATED PERMIT REVIEW (BIMC 2.16.170, Resolution No. 2006-50)	The charge is the highest permit applied for plus one-third of all other applications.

CONSULTATION* (Resolution No. 2018-20)	$180.00

*THE DIRECTOR IS AUTHORIZED TO DEDUCT FOR THE APPLICANT THE CONSULTATION FEE FROM THE OFFICIAL LAND USE PERMIT FEE IF A SUBSEQUENT PREAPPLICATION MEETING OR LAND USE PERMIT IS APPLIED FOR BY THAT APPLICANT WITHIN 1 YEAR OF A CONSULTATION MEETING.

CRITICAL AREA PERMIT FEES
~~(BIMC 2.16, Resolution No. 2006-50, Resolution No. 2008-01, Ordinance No. 2018-01)~~
(Resolution Nos. 2006-50, 2008-01, and 2018-09)

BUFFER ENHANCEMENT PLAN REVIEW	$1,526.00
CRITICAL AREA SITE INVESTIGATION	Hourly Rate
CRITICAL AREA PERMIT – MAJOR	$1,526.00
CRITICAL AREA PERMIT – MINOR	No fee
GEOLOGICALLY HAZARDOUS AREA THIRD-PARTY GEOTECHINCAL REVIEW (Resolution No. 2008-21) Deposit (Final balance of any unpaid geotechnical review service fees due prior to issuance of building permits)	$2,500.00

REASONABLE USE EXCEPTION
(Resolution No. 2006-50)

Single Family Residence	$3,816.00
All other	$6,106.00

Critical area restoration and enhancement projects not required as project mitigation and meeting the criteria of BIMC 16.20.040.B.2 shall not be charged fees by the City for pre-application meetings, permit applications, or other review and authorization processes; provided, that this shall not apply to fees for the appeal of City decisions.

DRAINAGE IMPACT FEES
(BIMC 15.20.100)

Impact Cost/100 square feet of impervious area:

BASIN A	$15.00	Sportsman Club
BASIN B	$13.00	Weaver Road/Grow Ave.
BASIN C	$13.00	Madison Avenue
BASIN D	$4.50	The Canyon
BASIN E	$15.00	Wing Point Way
BASIN F	$11.00	Wing Point

ENFORCEMENT — Hourly Rate
(Ordinance Nos. 92-24 and 2003-31, Resolution Nos. 99-14, 2001-36 and 2006-50)
Hourly rates and costs for investigation and processing of a violation of the City Code (BIMC) are from the commencement of the investigation until the time the City specifically notifies the owner/developer that the violation has been satisfactorily corrected.

ENVIRONMENTAL REVIEWS
(Ordinance Nos. 92-24 and 99-47, Resolution No. 2006-50)

SEPA Review (if E.I.S. NOT required)	$763.00
SEPA Review (if E.I.S. required)	$763.00
E.I.S. Addendum	$763.00
E.I.S. Supplement	$763.00

(The applicant will also enter into a three-party contract with the City. A consultant will be selected by the City to prepare the EIS, Addendum, or Supplement.)

FINAL LARGE LOT SUBDIVISION — See SUBDIVISION

FINAL SHORT PLAT — See SHORT PLAT

FINAL SUBDIVISION — See SUBDIVISION

FLOOR AREA RATIO (FAR) BONUSES IN THE MIXED USE TOWN CENTER AND HIGH SCHOOL ROAD DISTRICTS
(Ordinance No. 99-17, Resolution Nos. 2001-02 and 2006-50)

Residential Development	$18.00 / Square Foot
Mixed Use Development	$25.00 / Square Foot
Commercial Development	$34.00 / Square Foot

GRADING PERMIT — Calculated on the 1997 UAC
(Ordinance No. 2007-08) — Tables 3-G and 3-H

LAND CLEARING PERMIT	No Charge
LARGE LOT SUBDIVISION (Resolution No. 2006-50)	$16,027.00
LARGE LOT SUBDIVISION, MINOR ALTERATION (Resolution No. 2011-24)	$360.00
LONG SUBDIVISION (Resolution No. 2006-50)	$17,363.00 Plus $1,145.00 per lot
LONG SUBDIVISION, MINOR ALTERATION OF AN APPROVED PLAT (Resolution No. 2011-24)	$360.00
LONG SUBDIVISION, REPLATTING OR AMENDMENT OF AN APPROVED PLAT (Resolution Nos. 2006-50, 2011-24)	
Minor Plat Amendment	$1,336.00
Major Plat Amendment	$8,586.00 Plus $572.00 per lot
MINOR ADJUSTMENT (Resolution No. 2011-24)	$900.00
MAJOR ADJUSTMENT (Resolution No. 2011-24)	$2160.00
MECHANICAL FEE (Ordinance No. 2007-08)	Calculated from the 1997 UAC Table 3-C
MOBILE HOME PERMIT (Resolution No. 2007-05)	$150.00
OPEN SPACE REVIEW (Ordinance No. 92-24, Resolution No. 2006-50)	$265.00
PARK LAND DEDICATION AND/OR FEE IN LIEU OF (Ordinance No. 84-09)	City Council determines

PUDs and rezones to multi family are required on a case by case basis to dedicate land and/or pay a fee for parklands.

PARKING CONTRIBUTION IN LIEU OF ON-SITE SPACES
(BIMC 18.81.030.P, Resolution Nos. 99-14, 2001-03 and 2006-50)
Per Space $18,550.00

PERMIT RENEWAL FEE 50% of total of Building Permit Fee +
(BIMC 15.04.050, Ordinance No. 96-12) Building Plan Check Fee + Planning Review Fee

PLAN REVIEW/PLAN CHECK (By Building Division) 65% of Building Permit Fee
(Ordinance No. 2007-08)

PLANNING AND ENGINEERING REVIEW OF BUILDING PERMITS
(Resolution No. 2007-05)
For building permits that have had no prior planning or zoning review, this fee shall be 20% of the Building Permit fee to cover engineering reviews for drainage analysis, and planning reviews, except that the fee shall be 10% of the Building Permit Fee for such reviews for accessory dwelling units.

PLUMBING PERMIT FEE Calculated from the 1997 UAC Table 3-D
(Ordinance No. 2007-08)

PREAPPLICATION CONFERENCE
(Resolution No. 2018-20)
MEETING ONLY FOR MINOR LAND USE PERMITS (minor conditional use, minor variance, minor site plan review, short subdivision, and any action that doesn't require a preapplication meeting) $500.00
MEETING ONLY FOR ALL OTHER LAND USE PERMITS (i.e., major conditional use, major variance, major site plan review, long subdivision, and other actions that require a preapplication meeting) $1,000.00
MEETING AND COMITTEE MEETING Additional $250.00
MEETING AND PUBLIC PARTICIPATION MEETING Additional $250.00

REMOVAL OF A LANDMARK TREE PERMIT $180.00
(Resolution No. 2018-33) (Not applicable to removals of hazard trees as determined by an ISA TRAQ Arborist)

RENOTICING FEE $200.00
(Resolution No. 2011-24)

REZONE $3,053.00
(~~BIMC 18.114.030b,~~ Resolution No. 2006-50)

SHORELINE PERMITS
(Resolution Nos. 2006-50, ~~and~~ 2010-09, and 2018-33)

Buoy (Programmatic Review)	$450.00
Shoreline Exemption without SEPA	$572.00
Shoreline Exemption with SEPA	$1,908.00
Shoreline Substantial Development Permit	$6,869.00
Shoreline Substantial Development Permit for Enlargement of Existing Structure	$4,579.00
Shoreline Conditional Use Permit	$8,014.00
Shoreline Conditional Use Permit for Enlargement of Existing Structure	$5,342.00
Shoreline Variance:	
Administrative	$5,724.00
Full process (Hearing Examiner)	$8,014.00
Shoreline Clearing Permit	$180.00 (Not applicable to removals of hazard trees as determined by an ISA TRAQ Arborist)

Fish and wildlife habitat restoration and enhancement projects within the jurisdiction of the City's Shoreline Management Master Program and meeting the criteria in WAC 173-27-040(2)(p) shall not be charged fees by the City for pre-application meetings, permit applications, or other review and authorization processes; provided, that this subsection shall not apply to fees for the appeal of City decisions.

SHORT SUBDIVISION
(Resolution No. 2006-50)

Two to Four Lots	$6,063.00
Five to Nine Lots	$7,632.00

SHORT SUBDIVISION, REPLATTING OR AMENDMENT OF AN APPROVED PLAT
(Resolution Nos. 2006-50 and 2011-24)

Minor Plat Amendment	$763.00
Major Plat Amendment	$3,339.00 Plus $572.00 per lot

SHORT SUBDIVISION, MINOR ALTERATION OF AN APPROVED PLAT $360.00
(Resolution No. 2011-24)

SIGN PERMIT $50.00
(Resolution No. 2007-05)

SITE ASSESSMENT REVIEW (Ordinance No. 2017-03, Resolution No. 2017-08)	$400.00
SITE PLAN REVIEW (Resolution Nos. 2006-50, 2011-24)	
Minor	$3,816.00
Major	$8,586.00
TEMPORARY PARKING LOT PERMIT (Ordinance No. 2014-08, Resolution No. 2014-07)	$720.00
TRANSPORTATION IMPACT FEE (TIF)	
Per Trip Charge	$1,687.07
Administrative Fee	2% of calculated TIF
Independent Fee Calculation Review (Ordinance No. 2017-21, Ordinance No. 2015-07)	$500.00
TREE REMOVAL/VEGETATION MAINTENANCE PERMIT (Resolution No. 2018-33)	$180.00 (Not applicable to removals of hazard trees as determined by an ISA TRAQ Arborist)
TREE REMOVAL/VEGETATION MAINTENANCE PERMIT (AFTER-THE-FACT) (Ordinance No. 2015-03, Resolution Nos. 2015-01 and 2018-33)	$500
VARIANCE – MINOR (ZONING OR CRITICAL AREA) (Ordinance Nos. 94-03 and 2005-03, Resolution Nos. 2006-50 and 2011-24)	$3,434.00
VARIANCE – MAJOR (HEARING EXAMINER) (Ordinance No. 94-03, Resolution No. 2006-50)	
Single Family Residential and Accessories	$5,724.00
All Other	$10,303.00
VARIANCE – SHORELINE	see SHORELINE PERMITS
VARIANCE – SIGN (Ordinance No. 94-03, Resolution No. 2006-50)	$382.00
~~VEGETATION MANAGEMENT PLAN (Resolution No. 2006-50)~~	~~$530.00+ incurred costs~~

WELLS, EXEMPT – BUILDING CONNECTION FEE	$500
WIRELESS FACILITIES PERMIT (Ordinance No. 2015-23, Resolution No. 2015-19)	
Wireless Communication Facility (WCF)	$370.00
Eligible Facilities Modification (EFM)	$185.00
ZONING VERIFICATION LETTER (Resolution No. 2018-20)	$100

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:25 PM) Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, Related to Water Rights - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to forward Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, for approval with the December 11, 2018 Consent Agenda.

SUMMARY:
Consideration of a proposed Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, related to the evaluation of water rights. The proposed amendment would increase the maximum amount payable by $53,000 in exchange for additional services related to Aspect Consulting's Phase 1 findings and recommendations.

FISCAL IMPACT:

Amount:	$53,000.00
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND: On July 18, 2017, the City entered into a Professional Services Agreement with Aspect Consulting, LLC, in the amount of $10,326.00 for consulting services in connection with evaluating the City's water rights. Under this Agreement, Aspect Consulting completed Phase 1 of the services involving evaluating water rights and responding to the Washington State Department of Ecology's review of the City's Water System Plan, which was adopted by the City Council on August 22, 2017. The full Agreement is attached and a link to City's Water System Plan is included below:

Proposed Amendment No. 1 amends the scope of work to include additional tasks needed to respond to Aspect Consulting's Phase 1 findings and recommendations, which are attached for reference. Aspect Consulting is willing to perform the extra work in exchange for an increase of $53,000.00 in the contract price, for a new maximum amount payable of $63,326.00. See attached Amendment No. 1 for more information.

ATTACHMENTS:

Amendment No 1 to the PSA with Aspect Consulting, LLC, Related to the Evaluation of Water Rights

Professional Services Agreement with Aspect Consulting, LLC, Related to the Evaluation of Water Rights

Aspect Consulting's Phase 1 Findings and Recommendations

FISCAL DETAILS:

Fund Name(s): Water Fund

Coding:

AMENDMENT NO. 1 TO
AGREEMENT FOR PROFESSIONAL SERVICES

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES ("Amendment") amends the Agreement for Professional Services ("Agreement") entered into on July 18, 2017, by the City of Bainbridge Island ("City"), and Aspect Consulting, LLC ("Consultant").

WHEREAS, the City and the Consultant entered into the Agreement to provide professional services in connection with evaluating water rights to respond to the Washington State Department of Ecology's review of the City's Water System Plan; and

WHEREAS, the City desires that the Consultant perform additional services to execute the strategy and specific actions identified and developed under the Agreement; and

WHEREAS, the Consultant is willing to perform the additional services in exchange for additional compensation, to be paid hourly plus actual expenses, not to exceed an additional $53,000 above the maximum amount payable under the Agreement; and

WHEREAS, the City now desires to increase the services provided under the Agreement, extend the term of the Agreement, and to amend the maximum amount payable under the Agreement.

NOW, THEREFORE, the City and the Consultant agree to amend the Agreement as follows:

1. Section 2.A is hereby amended to read as follows:

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until July 31, 2020, ~~December 31, 2018~~ unless sooner terminated by either party as provided below.

2. Section 3.A is hereby amended to read as follows:

A. The City shall pay the Consultant for such services: (check one)

[X] Hourly, plus actual expenses, in accordance with Attachment A, but not more than a total of FIFTY-THREE THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS ~~TEN THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS~~ ($63,326.00 ~~$10,326.00~~);
[ ] Fixed Sum: a total amount of $_____;
[ ] Other: $_____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

3. Attachment A, Scope of Services, is hereby amended to read as follows:

The Consultant shall provide water rights support services to the City of Bainbridge Island (City). The work shall be a phased approach to address issues raised by the Washington Department of Ecology (Ecology) following their September 2016 review of a water rights self-assessment included in the City's May 2016 Draft Water System Plan (WSP). This scope of work addresses the first phase (Phase 1), which includes an evaluation of the authorities of six water rights against City operations, and the second phase (Phase 2), which is ~~. The Phase 2 scope and cost will be~~ based on the Phase 1 findings and recommended actions.

Ecology identified five water rights acquired by the City for which the Place of Use (POU) and Purpose of Use have not been changed to match City operations (i.e., water right file nos. G1-2076C, G1-*01075S, G1-*04645C, G1-*08879C and G1-23678C). Ecology also noted that their records indicate that the annual authorization for one City water right (G1-*08914C) was non-additive to other City rights, contrary to what is identified in the water rights assessment of the WSP (Table 4.11 in the WSP). Under this scope of work, the Consultant will evaluate the authorities of these six water rights against: (1) actual or planned system operations, as indicated in the WSP; and (2) comments provided by Ecology in their letter dated September 21, 2016,and develop an approach to address any discrepancies between the use and authority of these rights.

The following tasks will be completed under Phase 1 of this scope of work:

Task 1: Review and Evaluate Water Rights
Ecology's complete water right files (i.e., applications, reports of examination, permits, certificates, certificates of change, and supporting documents) as well as any available City records will be acquired and reviewed by the Consultant for the six water rights identified above. Discussions will be held with City staff as necessary to determine the use of the subject water rights relative to water system operations.

Task 1 Deliverables: A tabular summary of the attributes of the five water rights, including a comparison to historical and any issues/inconsistencies with current uses. The Consultant will provide a copy of pertinent information for each of the six subject water rights. Completion due September 15, 2017.

Task 2: Develop Strategies for Corrective Actions
Based on the evaluation of Task 1, the Consultant will work with the City to develop a strategy and specific actions to address discrepancies between: the authorities of the subject water rights, City operations (as described in the WSP), and Ecology's letter dated September 21, 2016. Strategies may include corrective actions that can be accomplished with or without filing an *Application for Change* with Ecology.

The Consultant will attend one meeting with the City and Ecology to present a recommended approach for addressing discrepancies. This meeting may be considered a "Preapplication Meeting" should any of the proposed corrective actions involve submitting an *Application for Change* to Ecology.

Task 2 Deliverables: A brief memorandum will be provided to summarize any discrepancies found between the authorities of the subject water rights, City operations, and comments provided by Ecology on September 21, 2016. The memorandum will also identify strategies to address these discrepancies,and will be finalized after incorporating one round of comments from the City. The memorandum shall serve as a revision to the Water System Plan for Table 4.11 of the water rights section. Completion due November 3, 2017.

The following tasks will be completed under Phase 2 of this scope of work:

Task 3: Execute Strategies for Corrective Actions
The Consultant will work with the City to execute the strategy and specific actions identified and developed as part of Task 2 of this scope of work. In addition, the Consultant will file an application with Ecology to document the ownership change of the Casey Street Water System to municipal use.

Task 3 Deliverables: The Consultant will respond to questions and will attend one meeting with the Department of Ecology to complete the Task 3 Deliverables listed below:

- **Fletcher Bay Well, G1-20706C.** Submit letter to Ecology documenting ownership conveyed to COBI.
- **Wing Point Well 1, G1-*01075S.** File change application and prepare draft permitting documentation for Ecology review to add additional points of withdrawal (POWs) and request conformance to municipal use.
- **Wing Point Well 2, G1-*04645C.** File change application and prepare draft permitting documentation for Ecology review to add additional POWs and request conformance to municipal use.
- **Head of the Bay Wells 1 & 2, G1-*08914C.** Update or amend Water System Plan to reflect non-additive annual quantity.
- **BI School Well No. 1, G1-*08879C.** Submit letter to Ecology documenting ownership conveyed to COBI. File change applications and prepare draft permitting documentation for Ecology review to add additional POWs and request conformance to municipal use.
- **Commodore Well, GI-23678C.** Submit letter to Ecology documenting ownership conveyed to COBI. File change applications and prepare draft permitting documentation for Ecology review to add additional POWs and request conformance to municipal use. Update Water System Plan to reflect Qi of 100 gpm.
- **Casey Street Water System.** File application and prepare draft permitting documentation for Ecology review to document ownership change to municipal use.
- **Respond to questions and attend one meeting with Department of Ecology to complete the tasks listed above.**

Assumptions: The City will pay all application and review fees directly to Department of Ecology. Anticipated cost to cover Ecology's cost re-imbursement is estimated at $9,000.

4. Except as modified herein, all other terms and conditions to the Agreement shall remain in full force and effect.

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

ASPECT CONSULTING, LLC	CITY OF BAINBRIDGE ISLAND
Date:_____	Date:_____
By:_____	By:_____
Name_____	Morgan Smith, City Manager
Title_____	
Tax I.D. #_____	
City Bus. Lic. #_____	

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into between the City of Bainbridge Island, a Washington state municipal corporation ("City"), and Aspect Consulting, LLC, a Washington corporation ("Consultant").

WHEREAS, the City needs professional services in connection with evaluating water rights to respond to the Washington State Department of Ecology's review of the City's draft Water System Plan; and

WHEREAS, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Consultant as follows:

1. SERVICES BY CONSULTANT

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as Attachment A and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. TERM AND TERMINATION OF AGREEMENT

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until December 31, 2018, unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

3. PAYMENT

A. The City shall pay the Consultant for such services: (check one)

[X] Hourly, plus actual expenses, in accordance with Attachment A, but not more than a total of TEN THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS ($10,326.00);
[ ] Fixed Sum: a total amount of $_____;
[ ] Other: $_____, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

B. The Consultant shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

4. INSPECTION AND AUDIT

The Consultant shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

5. INDEPENDENT CONTRACTOR

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. The Consultant shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. OWNERSHIP OF WORK PRODUCT

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

8. GENERAL ADMINISTRATION AND MANAGEMENT

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

9. HOLD HARMLESS AND INDEMNIFICATION

A. The Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the negligent acts, errors, or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided

herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection and acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

10. INSURANCE

The Consultant shall maintain insurance as follows:

[X] Commercial General Liability as described in Attachment B.
[X] Professional Liability as described in Attachment B.
[X] Automobile Liability as described in Attachment B.
[X] Workers' Compensation as described in Attachment B.
[ ] None.

11. SUBLETTING OR ASSIGNING CONTRACT

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

12. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

13. SEVERABILITY

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

14. FAIR MEANING

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

15. NONWAIVER

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

16. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:	City of Bainbridge Island 280 Madison Avenue North Bainbridge Island, WA 98110 Attention: City Manager
To the Consultant:	Aspect Consulting, LLC 350 Madison Avenue N Bainbridge Island, WA 98110 Attention: Peter Bannister, PE

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

17. SURVIVAL

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

18. GOVERNING LAW

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

19. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

20. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

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

ASPECT CONSULTING, LLC

Date: July 14, 2017

By: [signature]

Name PETER BANNISTER

Title ASSOCIATE ENGINEER

Tax I.D. # 91-2149055

City Bus. Lic. # 13354

CITY OF BAINBRIDGE ISLAND

Date: 7/18/17

By: Acting City Manager
Douglas Schulze, City Manager

ATTACHMENT A

SCOPE OF SERVICES

The Consultant shall provide water rights support services to the City of Bainbridge Island (City). The work shall be a phased approach to address issues raised by the Washington Department of Ecology (Ecology) following their September 2016 review of a water rights self-assessment included in the City's May 2016 Draft Water System Plan (WSP). This scope of work addresses the first phase (Phase 1), which includes an evaluation of the authorities of six water rights against City operations. The Phase 2 scope and cost will be based on the Phase 1 findings and recommended actions.

Ecology identified five water rights acquired by the City for which the Place of Use (POU) and Purpose of Use have not been changed to match City operations (i.e., water right file nos. G1-2076C, G1-*01075S, G1-*04645C, G1-*08879C and G1-23678C). Ecology also noted that their records indicate that the annual authorization for one City water right (G1-*08914C) was non-additive to other City rights, contrary to what is identified in the water rights assessment of the WSP (Table 4.11 in the WSP). Under this scope of work, the Consultant will evaluate the authorities of these six water rights against: (1) actual or planned system operations, as indicated in the WSP; and (2) comments provided by Ecology in their letter dated September 21, 2016, and develop an approach to address any discrepancies between the use and authority of these rights.

The following tasks will be completed under this scope of work:

Task 1: Review and Evaluate Water Rights
Ecology's complete water right files (i.e., applications, reports of examination, permits, certificates, certificates of change, and supporting documents) as well as any available City records will be acquired and reviewed by the Consultant for the six water rights identified above. Discussions will be held with City staff as necessary to determine the use of the subject water rights relative to water system operations.

Task 1 Deliverables: A tabular summary of the attributes of the five water rights, including a comparison to historical and any issues/inconsistencies with current uses. The Consultant will provide a copy of pertinent information for each of the six subject water rights. Completion due September 15, 2017.

Task 2: Develop Strategies for Corrective Actions
Based on the evaluation of Task 1, the Consultant will work with the City to develop a strategy and specific actions to address discrepancies between: the authorities of the subject water rights, City operations (as described in the WSP), and Ecology's letter dated September 21, 2016. Strategies may include corrective actions that can be accomplished with or without filing an *Application for Change* with Ecology.

The Consultant will attend one meeting with the City and Ecology to present a recommended approach for addressing discrepancies. This meeting may be considered a "Preapplication Meeting" should any of the proposed corrective actions involve submitting an *Application for Change* to Ecology.

Task 2 Deliverables: A brief memorandum will be provided to summarize any discrepancies found between the authorities of the subject water rights, City operations, and comments provided by Ecology on September 21, 2016. The memorandum will also identify strategies to address these discrepancies, and will be finalized after incorporating one round of comments from the City. The memorandum shall serve as a revision to the Water System Plan for Table 4.11 of the water rights section. Completion due November 3, 2017.

ATTACHMENT B
INSURANCE REQUIREMENTS

A. Insurance Term

The Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.

2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

D. Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit, as applicable.

E. Other Insurance Provision

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

F. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage

Before commencing work and services, the Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

H. Notice of Cancellation

The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

I. Failure to Maintain Insurance

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Consultant to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

J. City Full Availability of Consultant Limits

If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.

MEMORANDUM

Project No.: 170322

December 8, 2017

To: Charles Krumheuer and Aaron Claiborne, City of Bainbridge Island

From: **Andrew Austreng, LHG**
Sr. Project Hydrogeologist
aaustreng@aspectconsulting.com

Tim Flynn, LHG, CGWP
Principal Hydrogeologist
tflynn@aspectconsulting.com

Re: **Recommendations to Address Water Rights Issues in the City of Bainbridge Island 2017 Water System Plan**

This memorandum presents a recommended strategy to address questions and issues concerning the City of Bainbridge Island's (City) water rights raised by the Washington State Department of Ecology (Ecology). Ecology provided comments to the City following their review of a water rights self-assessment included in the most recent update of the City's Water System Plan (WSP; Carollo, 2017). Aspect Consulting, LLC (Aspect) developed these recommendations based on a review of the subject water right files, review of Ecology's comment letter, and a meeting with Ecology and the City to discuss an approach to corrective actions.

The following sections summarize water rights questions and issues raised by Ecology or the City. As detailed in the final section of this memorandum, recommended actions include:

- Filing four water right change applications with Ecology to change or add points of withdrawal (wells) and conform the authorized purposes of use to municipal supply. Change applications would be filed for water rights G1-*01075S and G1-*04645C (the "Wing Point" water rights) and G1-*08878C and G1-23679C (the "School District" water rights);
- Submitting a letter to Ecology to document conveyance of ownership of water right G1-20706C (the "KPUD Right") to the City. This would not require filing and processing of a change application.
- Submitting a brief addendum to the WSP for Ecology and Department of Health (DOH) review. The addendum would reflect the outcome of the water right change applications and update water right quantities that were previously listed incorrectly.

Water Rights Issues

As part of a joint review process with DOH, Ecology reviewed the water rights information presented in the City's May 2016 draft WSP. The water rights self-assessment and other water rights information were unchanged in the final WSP dated July 2017. In a letter dated

September 21, 2016 (Ecology, 2016), Ecology indicated that their records for five water rights included in the City's portfolio (see Table 4.11 of the WSP) do not reflect conveyance of ownership to the City. In reviewing Ecology's comments, the City noted that Ecology interpreted the annual authorization (Qa) for water right G1-*08914C as being non-additive to other City rights, which was inconsistent with the City's understanding of this water right and how it was presented in the WSP.

Aspect reviewed Ecology's files for six of the City's water rights for which there were outstanding issues or questions. The attributes of these water rights, as noted in Ecology's comment letter and confirmed by Aspect's review, are summarized in Table 1 and detailed in Attachment A. Issues related to the documentation or use of these rights under current City operations are discussed in the following sections.

Ecology Records Do Not Reflect City Ownership

*(File Nos. G1-20706C, G1-*01075S, G1-*04645C, G1-*08879C and G1-23678C)*

When certificated, a water right attaches to the land or place of use (POU). Unlike a permit, a water right certificate does not require assignment to a new owner when there is a change in ownership. . Additionally, municipal water rights are allowed the flexibility of changing a POU through approved water system planning (RCW 90.03.386). Ecology has indicated their records do not reflect the City's ownership of these rights and until ownership documentation is provided to Ecology these rights are not authorized for use outside the original POUs (summarized in Table 1). A likely exception to this is the "KPUD right" (file no. G1-20706C), because the Proof of Appropriation included in the water right file identifies the City of Winslow (as the City of Bainbridge Island was formerly known) water service area as part of the POU.

Ecology Records Do Not Specify Municipal Purposes of Use

*(File Nos. G1-2076C, G1-*01075S, G1-*04645C, G1-*08879C and G1-23678C)*

Water rights authorized for municipal purposes are exempt from relinquishment for nonuse of inchoate quantities (RCW 90.03.330 and RCW 90.14.140). Water rights that were initially issued for other purposes (e.g., community domestic supply) may be conformed to a municipal supply purpose of use if the actual use meets one or more of the definitions for municipal water supply purposes in RCW 90.03.0 15(4). Other than the two "School District Rights" (file nos. G1-*08879C and G1-23678C), all City rights listed in Table 1 meet the definition of municipal supply purpose use under RCW 90.03.15 by supplying water to 15 or more residential service connections. Under RCW 90.03.330(3), if a water right conforms to a municipal purpose of use, then inchoate quantities that may have been certificated based on system capacity but have not been put to beneficial use are considered to be in good standing and eligible for continued development and perfection by the City.

The School District Rights do not qualify for municipal supply purposes under RCW 90.03.315, and they are not protected from relinquishment due to nonuse. Further, inchoate quantities that may have been certificated based on system capacity (i.e., pipes and pumps) rather than demonstrated beneficial use are likely not in good standing and would not be available for future uses. During the City's November 2017 meeting, Ecology indicated that it would need to consider the history of

water use under this right to tentatively determine the quantity of water available for use by City. Instantaneous and annual quantities available under these two rights may therefore be reduced during the change process recommended below.

Authorized Quantities Incorrectly Listed in Table 4.11 of the WSP

*(File Nos. G1-*08914C, G1-23678C, And S1-*14865)*

Ecology considers the entire water right file to determine the authority provided by a water right (e.g., provisions listed in Report of Examination, permit, and supporting documents). Based on our review, the following corrections should be made to the WSP to accurately reflect the City's water rights portfolio:

- G1-*08914C: Annual quantity of 336 acre-feet per year (afy) is non-additive to other City rights. This right is listed as additive in the WSP.
- G1-23678C: Instantaneous quantity is 100 gallons per minute, not the 120 gpm listed in the WSP.
- S1-*14865 (not listed in Table 1): Annual quantity is considered to be 196 afy instead of the 253 afy listed in Table 4.11 of the WSP. This is based on a provision included in the Report of Examination for this right that limited to the annual quantity subject to existing rights (presumably Certificate Nos. C-3170-A and C-3171-A).

Authorized Points of Withdrawal No Longer in Use

*(File Nos. G1-*01075S, G1-*04645C, G1-*08879C and G1-23678C)*

Attachment A and Table 4.11 in the WSP include a summary of the authorized point(s) of withdrawal (POW) associated with each water right. If the POW(s) for a water right issued for non-municipal purposes has not been used for an extended period, Ecology may find the right to be relinquished. This is generally not a concern for City rights issued for or that conform to municipal supply purposes. City actions, such as listing rights that may no longer have an active POW in its WSP and relying on those quantities to assess water rights adequacy to supply existing and future demands, support a conclusion that these rights remain in good standing. In the case of the School District rights, which do not conform to municipal supply purposes, Ecology would likely consider them as having been exercised through use of an operational City well as a *de facto* change to the School District rights since the City has supplies the schools using other well sources. Filing a change application to add existing City wells as POWs to these rights and processing through Ecology would be required to formalize and document the *de facto* change.

Recommended Actions

Options for corrective actions were discussed with Ecology and the City on November 1, 2017, and Ecology generally agreed the approach summarized in Table 2. **Aspect recommends that Change Applications be filed with Ecology for the following water rights**:

- G1-*01075S (Wing Point)
- G1-*04645C (Wing Point)
- G1-*08879C (School District)
- G1-23678C (School District)

These applications would be submitted to change the POWs to operational City wells and request conformance to municipal use. The conveyance of ownership to the City would also be documented under this process. Ecology's backlog for processing water right change applications through the normal procedure is on the order of several years. We recommend the City consider Ecology's Cost Reimbursement Program for processing the change applications when they are filed. Under this program, the City would contract a pre-approved consultant to draft the Reports of Examination for Ecology's review. This will facilitate Ecology's processing of the change applications in a timely manner. **Coordination and a water right pre-application meeting with Ecology is recommended to establish a processing approach prior to submitting change applications.**

Changing water right file nos. G1-*08879C and G1-23678C (the School District rights) may result in a reduction in authorized quantities. During the November 2017 meeting, Ecology indicated that recent use by the school district may be evaluated to determine the quantities available for transfer and continued use (e.g., 20 afy in recent years [Carollo, 2017] relative to an authorized quantity of 32 afy).

A letter should be submitted to Ecology to document conveyance of ownership of water right G1-20706C (the "KPUD Right") to the City. The recommended letter to Ecology would ideally include a copy of the resolution from City Council (circa 1994) to acquire the well and right.

Elements of the WSP that contain the inaccurate quantities identified in the previous sections should be corrected. After making these corrections and once change applications have been processed by Ecology and superseding certificates issued, a brief addendum to the WSP should be submitted to DOH and Ecology documenting final water right status and authorized quantities.

The City should consider a broader consolidation of points of withdrawal for its water rights, particularly for those associated with wells used rarely or not at all. This would allow greater flexibility in operations by allowing water rights to be exercised at multiple wells, simplified record keeping, and would minimize future risks of abandonment of water rights due to long-term nonuse. If consolidation of POWs is of interest to the City, we recommend submitting the associated applications concurrently with other change applications identified above as a "consolidation package" to minimize processing efforts with Ecology.

References

Carollo Engineers, Inc. (Carollo), 2017, City of Bainbridge Island Water System Plan, July 2017.

Washington State Department of Ecology (Ecology), 2016, RE: City of Bainbridge Island May 2016 Draft Water System Plan (DOH Submittal 16-0808), Letter from Doug Wood to Charles Krumheuer, dated September 21, 2017.

Limitations

Work for this project was performed for the City of Bainbridge Island (Client), and this memorandum was prepared in accordance with generally accepted professional practices for the nature and conditions of work completed in the same or similar localities, at the time the work was performed. This memorandun does not represent a legal opinion. No other warranty, expressed or implied, is made.

All reports prepared by Aspect Consulting for the Client apply only to the services described in the Agreement(s) with the Client. Any use or reuse by any party other than the Client is at the sole risk of that party, and without liability to Aspect Consulting. Aspect Consulting's original files/reports shall govern in the event of any dispute regarding the content of electronic documents furnished to others.

Attachments: Table 1 – Summary of Water Rights Reviewed by Aspect
Table 2 – Summary of Water Right Attributes and Proposed Corrective Actions
Attachment A – Detailed Table of Water Right Attributes

V:\170322 COBI Water Rights Support\Deliverables\Final\COBI Water Rights Recommendations.docx

TABLES

Table 1. Summary of Water Rights Reviewed by Aspect[1]

File No. (Certificate No.)	Held By	Priority Date	Purpose	POU[2]	Qi (gpm) / Qa (afy)[3]
G1-20706C	PUD No. 1 of Kitsap County	6/4/1973	Municipal	Area served by PUD No 1 of Kitsap County	730 / 1,168
G1-*01075S	Maria Antoncich	8/1/1930	Community Domestic	Community of Wing Point	7 / 11
G1-*04645C	Wing Point Water Service	7/16/1957	Community Domestic	Area Served by Wing Point Water Service	13 / 21
G1-*08879C	BI Public Schools, Dist. 303	8/1/1967	Domestic Supply for Public Schools[1]	~13 acres S22, T25N R2E	20 / 32
G1-23678C	BI School District 303	9/15/1980	Group Domestic[2]	Central Campus Service Area of District 303	100 / 32 (non-add)[3]
G1-*08914C	City of Winslow	8/8/1967	Municipal	City of Winslow	300 / 336 (non-add)[3]

[1] Attributes are summarized by Aspect based on a review of the entire water right files.

[2] Place of Use

[3] Qi = instantaneous authorization in gallons per minute; Qa = annual authorization in acre-feet; non-add indicates the annual authorization is non-additive to other City rights.

Table 2. Summary of Water Right Attributes and Proposed Corrective Actions

File No.	Priority Date	Associated City Well(s)	Purpose	POU	Qi (gpm) / Qa (afy)	Notes on Intent and Authority of the Water Right	Proposed Action
G1-20706C	6/4/1973	Fletcher Bay Well	Municipal	Area served by PUD No 1 of Kitsap County	730 / 1,168	Proof of Appropriation form identifies City of Winslow and KPUD Water Service Areas.	**Submit letter to Ecology documenting ownership conveyed to COBI**
G1-*01075S	8/1/1930	Wing Point Well 1	Community Domestic	Community of Wing Point	7 / 11	Fully perfected when supplying a population of approx. 200 in 1950. Well and right sold to Town of Winslow in 1962, Ecology provided letter acknowledging assignment.	**File change application to add additional POWs and request conformance to municipal use.**
G1-*04645C	7/16/1957	Wing Point Well 2	Community Domestic	Area Served by Wing Point Water Service	13 / 21	Fully perfected as of 1957, serving population of 350	**File change application to add additional POWs and request conformance to municipal use.**
G1-*08914C	8/8/1967	HOB Wells 1 & 2	Municipal	City of Winslow	300 / 336 (non-add)	336 afy non-additive to S1-*14865, G1-*04780C and G1-*04781C.	**Update or amend Water System Plan to reflect non-additive annual quantity**
G1-*08879C	8/1/1967	BI School Well No. 1	Domestic Supply for Public Schools[1]	~13 acres S22, T25N R2E	20 / 32	Considered fully perfected when certificated in 1968 based on 20 gpd per capita for 1,600 students in 1970. Annual quantity reduced from 36 afy based on Proof of Appropriation	**Submit letter to Ecology documenting ownership conveyed to COBI. File change application to add additional POWs and request conformance to municipal use.**
G1-23678C	9/15/1980	Commodore Well (BI School #2)	Group Domestic[2]	Central Campus Service Area of District 303	100 / 32 (non-add)	Considered fully perfected when issued as non-additive to other district rights. For use on central campus outside of POU for existing rights held by the school district. City acquired, improved, and connected well in 1996.	**Submit letter to Ecology documenting ownership conveyed to COBI. File change application to add additional POWs and request conformance to municipal use. Update Water System Plan to reflect Qi of 100 gpm.**

[1] "For domestic supply for public schools continuously during entire year".
[2] "Group domestic supply – continuously".

Note: Aspect recommends the annual quantity of S1-*14685 be confirmed in the Water System Plan (files suggest Qa for this right is 196 afy).

Attachment A

Detailed Table of Water Right Attributes

G1-20706C

Associated Well(s) and Date of Acquisition or Connection	Priority Date	Stage	Held By	Place of Use (POU)	Point of Withdrawal (POW)	Purpose and period	Qi/Qa	Additive / Nonadditive Qa	Notes:
Fletcher Bay Well (in use) Fletcher Bay System improved and Connected to City in 1979 (joint use agreement) Purchased by City in 1994 80 – 100 afy Annual Production	6/4/1973	Application	PUD No. 1 of Kitsap County	Area served by PUD No 1 on Bainbridge Island	Lot 29 of the plat of Westhampton in Section 20 T25NR2EW M	Municipal, year-round	1,000 gpm / Not listed	Additive	Two wells requested for withdrawal.
		ROE	PUD No. 1 of Kitsap County	Area served by PUD No 1 of Kitsap County	Section 20 T25NR2EW M	Municipal, year-round	1,000 gpm / 1,600 afy	Additive	A comprehensive water study of Kitsap County prepared by Hill & Ingman in 1966, shows a 1985 population forecast in this service area to be 13,400. Based on a per capita demand of 130 gallons per day annual withdrawals equal 2100 acre-feet per year which is less than can be appropriated under this application. However, Ground Water Application G1-20804 will issue for 500 acre-feet per year. The combined total shall not exceed 2100 acre-feet per year.
		Permit	PUD No. 1 of Kitsap County	Area served by PUD No 1 of Kitsap County	Section 20 T25NR2EW M	Municipal, year-round	730 gpm / 1,168 afy	Additive	One production well, hand-written changes to Qi/Qa, with supporting construction notices, proof of appropriation, and correspondence from 1979. Well is 1,050 feet deep.
		Certificate	PUD No. 1 of Kitsap County	Area served by PUD No 1 of Kitsap County	Section 20 T25NR2EW M	Municipal, year-round	730 gpm / 1,168 afy	Additive	Issued as pumps-and-pipes Proof Appropriation identifies City of Winslow and KPUD WSAs.
Issue and Proposed *Approach*	*Ownership not transferred to City (concerning beneficial use outside the certificated POU).* This water right was issued for municipal purposes. Accordingly, inchoate quantities are protected from relinquishment as long as no change application is filed with Ecology. Proof of Appropriation records suggest the POU included the water service area for the City of Winslow at certification. *Recommend preparing a letter to Ecology documenting transfer of ownership to the City and historical use (this water right has presumably been included in the City's water rights portfolio since the 1990s).*								

G1-*01075S

Associated Well(s) and Date of Acquisition or Connection	Priority Date	Stage	Held By	Place of Use (POU)	Point of Withdrawal (POW)	Purpose and period	Qi/Qa	Additive / Nonadditive Qa	Notes:
Wing Point Well 1 (not in use) Acquired in 1962. Ecology notified of ownership transfer and responded no assignment needed	8/1/1930	Declaration	Maria Antoncich	17.5-acre area S26; T25N R2E	SE1/4 NE1/4 S26 T25N R2E	Domestic Multiple year-round	7 gpm / 11 afy	(no other rights)	Madron Park Heights subdivision Supply for "Winged Point Community, population of ~200 in 1950 8" drilled well – 168 ft
		ROE	Maria Antoncich	SENE S26 T25N R2E	SE1/4 NE1/4 S26 T25N R2E	Community Domestic Supply year-round	7 gpm / 11 afy		In response to your letter of May 11, we are enclosing six of our standard assignment forms. However, we wish to invite your attention to Section 90.03.310 RCW which points out that applications and permits only, are assignable and certificates of water right need not be assigned. Actually, once the certificate is issued it becomes appurtenant to the property and title of the water right passes with title to the property. If we can be of further assistance in this matter, please feel free to call on us.
		Certificate	Maria Antoncich	Community of Wing Point	SE1/4 NE1/4 S26; T25N R2E	Community domestic supply year-round	7 gpm / 11 afy		Sold to Town of Winslow in 1962 for Muni purposes; Ecology letter responding to sale stating that no change in assignment needed.
Issue and Proposed *Approach*	*Right not assigned to the City and the authorized POW is no longer in use.* Ecology should consider this right fully perfected as of 1950 and before the City took ownership (intent was to serve 200 in 1950), so no portion of this right should be considered inchoate or at risk for relinquishment. *A change application should be filed with Ecology to change the POW for this right to an operating well. During the application process, a request should be made to conform this right to municipal use. A superseding certificate would identify the POU as described in the City's current Water System Plan.*								

G1-*04645C

Associated Well(s) and Date of Acquisition or Connection	Priority Date	Stage	Held By	Place of Use (POU)	Point of Withdrawal (POW)	Purpose and period	Qi/Qa	Additive / Nonadditive Qa	Notes:
Wing Point Well 2 (not in use)	7/16/1957	Application	Wing Point Water Service	Community of Wing Point and Vicinity		Community	13 gpm /21 afy	Additive	"Well No. 2" G1-*01075S Listed as additionally appurtenant and same POW Population estimated at 350 in 1957 Quantities are handwritten reduction "Municipal" crossed out
		ROE	Wing Pont Water Service	Wing Pont and Vicinity	S26 T25N R2E	Community Domestic Supply year-round	13 gpm / 21 afy	Additive	Population of 350 in 1957 At the time of examination, the writer was informed that the correct figures on the well performance are as follows: S.W.L. - 90', Dd - 7' at 13½ gpm. This application is made for an increase of 13 gpm over the original 7 gpm and 11 acre-feet per year permitted under G. W. Certificate 10ll-D. Since the water requirement of this community is calculated on a continuous total pumping rate of 20 gpm to be 32 acrefeet per year, and the present certificate permits 11 acre-feet per year, this permit shall issue for the difference of 21 acre-feet per year.
		Permit	Wing Point Water Service	Wing Point and Vicinity	SESENE S26 T25R R2E	Community Domestic Supply year-round	13 gpm / 21 afy	Additive	"Well No. 2" G1-*01075S Listed as additionally appurtenant and same POW Population estimated at 350 in 1957 Quantities are handwritten reduction "Municipal" crossed out
		Certificate	Wing Point Water Service	Area Served by Wing Point Water Service	SESENE S26 T25R R2E	Community Domestic Supply year-round	13 gpm / 21 afy	Additive	Proof appropriation lists 35 acres irrigated.
Issue and Proposed Approach	*Right not assigned to the City and the authorized POW is no longer in use.* Ecology should consider this right fully perfected as of 1957 and before the City took ownership (intent was to serve 350 in 1957), so no portion of this right should be considered inchoate or at risk for relinquishment. This right was issued as additive to G1-*01075S, with the intent of augmenting previously undersized rights for the Wing Point community. Note that Table 4.11 incorrectly lists the POW for this right as being the same as that for G1-*01075S. *A change application should be filed with Ecology to change the POW for this right to an operating well. During the application process, a request should be made to conform this right to municipal use. A superseding certificate would identify the POU as described in the City's current Water System Plan.*								

G1-*08914C

Associated Well(s) and Date of Acquisition or Connection	Priority Date	Stage	Held By	Place of Use (POU)	Point of Withdrawal (POW)	Purpose and period	Qi/Qa	Additive / Nonadditive Qa	Notes:
HOB Wells 1 & 2 (50-80 afy from wellfield) Original wells replaced.	8/8/1967	Application	Town of Winslow	Town of Winslow	SWSW and SWNW S27 T25 R2E	Municipal Supply	400 gpm	Additive	Two Wells (149 & 160 ft) Current Pop 1100; estimated 2000 in 1970 Cert 5597A listed as appurtenant to POU
		ROE	Town of Winslow	Town of Winslow (not explicit)	SWNW S27 T25N R2E	Municipal	400 gpm / 336 afy	Non-Additive	Population 2,000 in 1976; 150 gpd per capita = 336 afy. "Issued as totally supplemental"
		Permit	City of Winslow	Town of Winslow	2 wells; Illegible QQQQ of S27 T25N, R2E	Municipal	400 gpm / 336 afy	Non-additive	To supply 2,000 people by 1976 Two Wells "Issued as a totally supplemental supply….less any amount diverted or withdrawn under existing rights"
		Certificate	City of Winslow	City of Winslow	2 wells; Illegible QQQQ of S27 T25N, R2E	Municipal	300 gpm / 336 afy	Not Listed (additive)	
Issue and Proposed Approach	*The City has considered this right as authorizing additive Qa, while Ecology records indicate the right is non-additive.* The ROE and permit indicate the Qa for this right is non-additive, which Ecology would interpret as the original intent of the right (i.e., even though the certificate does not specify non-additive status, Ecology would consider this right to be non-additive). This right is therefore considered non-additive to the City's surface water right for 196 afy (S1-*14865C), and groundwater rights G1-*04780C and G1-*04781C for 160 and 80 afy, respectively. Note that Table 4.11 in the WSP may have incorrectly listed the Qa for S1-*14865C as 253 afy. *An update to the City's Water System Plan should be completed to indicate to which rights G1-*08914C is non-additive (i.e., S1-*14865, G1-*04780C and G1-*04781C). Recommend consolidating points of withdrawal for existing rights at Weaver and HOB wellfield sites (Weaver Wells are not used and are authorized POWs for G1-*04780C and G1-*04781C).*								

G1-*08879C									
Associated Well(s) and Date of Acquisition or Connection	**Priority Date**	**Stage**	**Held By**	**Place of Use (POU)**	**Point of Withdrawal (POW)**	**Purpose and period**	**Qi/Qa**	**Additive / Nonadditive Qa**	**Notes:**
BI School – Well 1 (Shallow) out of service Connected and acquired in 1996.	8/1/1967	Application	BI School District 303	13 dispersed acres w/in S22, T25N R2E	SWSESE S22 T25 R2E	Domestic Supply for Public Schools year-round	34 gpm / 32 afy	Additive	"2 schools at present" 6-inch Well 188 feet; 62,000-gallon storage Approx, 1,600 students 1970
		ROE	BI Public Schools, Dist. 303	Not listed	SWSESE S22 T25 R2E	Domestic Supply for Public Schools year-round	34 gpm / 36 afy	Additive	The water requirement for domestic supply for public schools for both grade and high school is based on an average maximum need of 20 gallons per capita per day, or 36 acre-feet annually for the projected enrollment of 1600 students.
		Permit	BI Public Schools, Dist. 303	See Notes = ~13 acres	SWSESE S22 T25 R2E	Domestic Supply for Public Schools - year-round	34 gpm / 36 afy	Additive	S½SE¼NE¼SE¼; SE¼SE¼, LESS the north one acre of the west one-half thereof; AND the south 858 feet of the east 275 feet of the SW¼SE¼; ALL in Sec. 22, T. 25 N., R. 2 E.W.M.; LESS rights-of-way.
		Certificate	BI Public Schools, Dist. 303	See Notes ~13 acres of S22, T25N R2E	SWSESE S22 T25N R2E	Domestic Supply - Year-round	20 gpm / 32 afy	Additive	Reduction based on discharge measured for Proof of Appropriation "for projected enrollment of 1600 students" S½SE¼NE¼SE¼; SE¼SE¼, LESS the north one acre of the west one-half thereof; AND the south 858 feet of the east 275 feet of the SW¼SE¼; All in Sec. 22, T. 25 N., R. 2 E.W.M.; LESS rights-of-way.
Issue and Proposed Approach	*Right not assigned to the City for municipal use and the authorized POW is no longer in use.* This right was originally issued to the School District to supply water for 1,600 students (assuming 20 gallons per capita per day). This right should be considered fully perfected when it was certificated in 1968 and there should be no consideration of inchoate quantities that would be subject to relinquishment. *A change application should be filed with Ecology to change the POW for this right to an operating well. During the application process, a request should be made to conform this right to municipal use. A superseding certificate would identify the POU as described in the City's current Water System Plan.*								

G1-23678

Associated Well(s) and Date of Acquisition or Connection	Priority Date	Stage	Held By	Place of Use (POU)	Point of Withdrawal (POW)	Purpose and period	Qi/Qa	Additive / Nonadditive Qa	Notes:
BI School (Commodore Well 2) not used in last 5 years Connected, improved, and acquired in 1996.	9/15/1980	Application	BI School District 303	Central Campus Service Area of District 303	SESE S22 T25N R2E	Group Domestic Year-round	120 gpm	Non-additive to "P8376"	"Well 2" 12" x 380' P8376 listed as appurtenant – file not found.
		ROE	BI School District 303	Central Campus Service Area of District 303	SESE S22 T25N R2E	Group Domestic Year-round	100 gpm / 32 afy	Non-additive	[illegible] affected by this appropriation. Two other water rights, G1-08879C and G1-21748P, held by Bainbridge Island School District 303, comprise a sum total annual quantity of 40.0 acre-feet which is more than demand at the high school will require. The annual quantity associated with this application, then, will be issued supplemental to existing rights held by the applicant. The maximum annual quantity issued under Certificate G1-08879C is 32.0 acre-feet per year. This application to withdraw 120 gallons per minute from a deep well near Winslow, Bainbridge Island, for the purpose of group domestic supply at Commodore Bainbridge High School was received September 15, 1980 from Bainbridge Island School District 303.
		Permit	BI School District 303	Central Campus Service Area of District 303	SESE S22 T25N R2E	Group Domestic Year-round	100 gpm / 32 afy	Non-additive	
		Certificate	BI School District 303	Central Campus Service Area of District 303	SESE S22 T25N R2E	Group Domestic Year-round	100 gpm / 32	Non-additive	"Well 2" PA Form lists number of units as "school campus"
Issue and Proposed Approach	*Right not assigned to the City for municipal use and the authorized POW is rarely used due to capacity and water quality issues.* This right was originally issued to the School District as a non-additive annual authorization. The POW and POU described in this right are distinct from the other right originally held by the School District (G1-*08879C). This right should be considered fully perfected when certificated and there should be no consideration of inchoate quantities that would be subject to relinquishment. *A change application should be filed with Ecology to change the POW for this right to an operating well. During the application process, a request should be made to conform this right to municipal use. A superseding certificate would identify the POU as described in the City's current Water System Plan.*								

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:35 PM) Ordinance No. 2018-44 Relating to 2018 4th Quarter Budget Amendments - Finance,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:

I move to forward to the December 11, 2018, Consent Agenda for approval Ordinance No. 2018-44, amending the City's 2018 budget and 2018 Capital Improvement Plan.

SUMMARY:

This agenda item is for the City Council to consider amendments to the City's budget and Capital Improvement Plan. Included with this item is a consolidated ordinance capturing decisions which have been made by the Council at meetings earlier in the year.

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the 2018 budget and 2018 Capital Improvement Plan of the City and providing for uses or dollar amounts not foreseen at the time the 2018 budget was adopted.

FISCAL IMPACT:

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

BACKGROUND:

During the calendar year, staff provides detail on budget adjustments for Council approval. Attached for the Council's consideration is an ordinance with the final budget amendments for 2018.

The following amendments are proposed related to operating activities:

- Police Boat FEMA Grant - This item increases appropriation authority to provide funding for major repairs of the Police Boat. On July 10, 2018, the Council approved the City application for a FEMA Port Security Grant that addresses current Safeboat repair needs. The City was awarded the grant in the amount of $171,000. Local match for the grant is $58,000.

- Police Body Cameras - This item increases appropriation authority to provide for the purchase of body-worn and vehicle dash cameras for police officers. On July 24, 2018, the Council approved the Axon Police Camera services contract in the total amount of $325,000. First-year costs are estimated to be $96,430.

- Greenhouse Gas Inventory - This item was approved at the October 30, 2018, Council Meeting. It increases appropriation authority to provide funding to assist the City in completing a baseline island-wide greenhouse gas inventory.

- Building and Development Services Fund - This item increases spending authority in the Building and Development Services Fund. Primary contributors to the increase include outside legal expenses and costs related to the Hearing Examiner.

The following amendments are proposed related to capital projects:

- Open Water Marina - This item increases the budget for an existing project by $20,000 to a total of $92,000 and amends the CIP for the Open Water Marina reconfiguration project. The linear moorage system is being removed and additional mooring buoys are being installed. Final construction to be completed in 2019.

- Fletcher Bay and Miller Road Funding - This item reduces the General Fund support for the C40 Fletcher Bay and Miller Road projects and utilizes additional restricted funding available in the Transportation Impact Fee fund. The overall project spending does not change.

- Old Treatment Plant Pump Station - This item amends the 2018 CIP, and provides appropriation authority in 2018 for the Old Treatment Plant Pump Station. On October 23, 2018, the Council approved a contract award to Gary Harper Construction Inc. This spending was originally budgeted in 2019, but is being moved forward. This item does not increase the total project budget.

ATTACHMENTS:

ORD 2018-44 2018 4th QTR Budget Adjustments

Ord 2018- Attachment A - Q3 and 4 Budget Amendments (First Reading).pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018-44

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the 2018 Budget and 2018 Capital Improvement Plan of the City and providing for uses or for dollar amounts not foreseen at the time the 2018 budget was adopted.

WHEREAS, on November 22, 2016, the City Council adopted the budget for 2017 and 2018 and subsequently amended the budget; and

WHEREAS, on November 28, 2017, the City Council adopted a modified budget for 2018, and

WHEREAS, a number of situations have occurred during 2018 which require the City to expend money on items, projects, and categories not included in the 2018 Budget and the 2018 Capital Improvement Plan, or to change the amount of money expended on items in the 2018 Budget and the 2018 Capital Improvement Plan.

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

Section 1. Ordinance No. 2017-26 and the 2018 budget are each amended as shown on the attached Exhibit A, thereby amending the 2018 Budget and the 2018 Capital Improvement Plan.

Section 2. The City's Finance Director is authorized and directed by this ordinance to make the necessary changes to the 2018 Budget. The Finance Director is further directed to make sufficient interfund equity transfers from the appropriate funds to cover the added amounts authorized by this ordinance.

Section 3. This ordinance shall take effect and be in force five days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this ___ day of _____, 2018.

APPROVED by the Mayor this ___ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST / AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	November __, 2018
PASSED BY THE CITY COUNCIL:	___ __, 2018
PUBLISHED:	___ __, 2018
EFFECTIVE DATE:	___ __, 2018
ORDINANCE NO:	2018-29

2018 BUDGET AMENDMENTS
presented to City Council November 27, 2018
approved on November __, 2018

SUBJECT	DESCRIPTION	FUND / Department	AMOUNT	Change to Appropriation	On-going
Police Boat FEMA grant	This item increases appropriation authority to provide funding for major repairs of the Police Boat. On July 10th Council approved the City application for a FEMA Port Security Grant that addresses current Safeboat repair needs. We were awarded the grant in the amount of $171,000. Local match for the grant is $58,000.	General Fund / Public Safety	$ 229,000	Increase	No
Police Body Cameras	This item increases appropriation authority to provide for the purchase of body-worn and vehicle dash cameras for police officers. On July 24 Council approved the Axon Police Camera services contract in the total amount of $325,000. First-year costs are estimated to be $96,430.	General Fund / Public Safety	$ 96,430	Increase	Yes
Greenhouse Gas Inventory	This item was approved at the October 30th Council Meeting. It increases appropriation authority to provide funding to assist the City in completing a baseline island-wide greenhouse gas inventory.	General Fund / Executive	$ 50,000	Increase	No
Open Water Marina	This item increases the budget for an existing project and amends the CIP for the Open Water Marina reconfiguration. The linear moorage system is being removed and additional mooring buoys are being installed. Final construction to be completed in 2019.	General Fund / Public Works	$ 20,000	Increase	No
Fletcher Bay and Miller Road Funding	This item reduces the General Fund support for the C40 Fletcher Bay and Miller Road projects in tandem with the TIF item below. Overall project spending does not change.	General Fund / Public Works	$ (300,000)	Decrease	No
	TOTAL GENERAL FUND 2018 EXPENDITURE INCREASE		**$ 95,430**		
Fletcher Bay and Miller Bay Road Funding	This item changes the funding sources of the C40 Fletcher Bay and C40 Miller Rd projects to allow use of eligible funding from the Transportation Impact Fee (TIF) Fund. This change does not increase the project budget.	Transportation Impact Fund / Public Works	$ 300,000	Increase	No
	TOTAL TRANSPORTATION IMPACT FEE FUND 2018 EXPENDITURE INCREASE		**$ 300,000**		
Building and Development Services Fund	This item increases spending authority in the Building and Development Services Fund. Primary contributors to the increase include outside legal expenses and costs related to the Hearing Examiner.	Building and Development Services / Executive	$ 50,000	Increase	No
	TOTAL BUILDING AND DEVELOPMENT SERVICES FUND 2018 EXPENDITURE INCREASE		**$ 50,000**		
Accelerate Timing of Old Treatment Plant Pump Station	This item amends the 2018 CIP, and provides appropriation authority in 2018 for the Old Treatment Plant Pump Station. On October 23rd Council approved contract award to Gary Harper Construction Inc. This spending was originally budgeted in 2019, but is being moved forward. This item does not increase the total project budget.	Sewer Fund / Public Works	$ 450,000	None	No
	TOTAL SEWER FUND 2018 EXPENDITURE INCREASE		**$ 450,000**		

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:45 PM) Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Contract **PROPOSED BY:** Executive

RECOMMENDED MOTION:
I move to forward Amendment No. 1 to the Contract for Indigent Defense Services for approval with the December 11, 2018 Consent Agenda.

SUMMARY:
Consideration of proposed Amendment No. 1 to the Contract for Indigent Defense Services, which proposes to extend the Contract for Indigent Defense Services with Thomas Alpaugh through December 31, 2019.

FISCAL IMPACT:

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

BACKGROUND: Both the U.S. and the Washington State Constitutions guarantee each indigent defendant a public defense attorney who will provide effective assistance of counsel. In the absence of a statewide system of public defense, the City is therefore constitutionally obligated to provide a public defender to indigent defendants charged with a crime in the Bainbridge Island Municipal Court.

For the last three years, indigent public defense services have been provided by Thomas S. Alpaugh for a flat annual fee of $52,500.00 per year, subject to additional payments for certain appeals and case expenses reasonably incurred during the representation of indigent defendants. Such additional payments are described in more detail in the attached Contract for Indigent Defense Services.

In summary, Amendment No. 1 to the Contract for Indigent Defense Services proposes to: (1) extend the term of the Contract for Indigent Defense Services through December 31, 2019; and (2) provide for a 2.5% COLA for the compensation to be paid in 2019, for a new annual flat fee of $53,812.50 in 2019 (there has been no COLA since the Contract for Indigent Defense Services was executed on July 29, 2015).

Note: On June 23, 2014, the City Council adopted Resolution No. 2014-14, implementing public defense standards that govern Mr. Alpaugh's work as the City's public defender under the terms of the Contract for Indigent Defense Services.

ATTACHMENTS:

Amendment No 1 to the Contract for Indigent Defense Services

Contract for Indigent Defense Services

Resolution No. 2014-14, Adopting Public Defense Standards

FISCAL DETAILS:

Fund Name(s):

Coding:

AMENDMENT NO. 1 TO
CONTRACT FOR INDIGENT DEFENSE SERVICES

THIS AMENDMENT NO. 1 TO THE CONTRACT FOR INDIGENT DEFENSE SERVICES ("Amendment") amends the Contract for Indigent Defense Services ("Agreement") entered into on July 29, 2015, by the City of Bainbridge Island, a Washington State municipal corporation, ("City") and Thomas S. Alpaugh ("Public Defender").

WHEREAS, the City and the Public Defender entered into the Agreement to provide indigent defense services on Bainbridge Island; and

WHEREAS, the City desires to extend the term of the Agreement until December 31, 2019; and

WHEREAS, the Public Defender is willing to continue providing the indigent defense services in exchange for a 2.5% cost of living increase in the compensation paid under the terms of the Agreement for 2019.

NOW, THEREFORE, the City and the Consultant agree to amend the Agreement as follows:

1. Section 2 of the Agreement is hereby amended to read as follows:

2. Compensation. Beginning January 1, 2019, ~~The~~ the City shall pay the Public Defender a flat fee of ~~Fifty-Two Thousand Five Hundred Dollars ($52,500.00)~~ Fifty-Three Thousand Eight Hundred and Twelve Dollars and Fifty Cents ($53,812.50) per year in equal monthly installments upon receipt of an invoice in a form approved by the City. ~~If appointed to represent a defendant in an appeal to Superior Court, the Public Defender shall be paid at the rate of $40.00 per hour for work performed in such representation, not to exceed $400.00 per case.~~

In consideration of the Public Defender providing Public Defense services to the City from July 1, 2018, through October 31, 2018, the City has previously paid the Public Defender Seventeen Thousand Five Hundred Dollars ($17,500.00). The Public Defender acknowledges that such payment adequately compensated the Public Defender for his work during that time period.

In consideration of the Public Defender providing Public Defense services to the City from November 1, 2018, through December 31, 2018, the City agrees to pay the Public Defender a flat fee of Eight Thousand Seven Hundred and Fifty Dollars ($8,750.00), to be paid in equal monthly installments upon receipt of an invoice in a form approved by the City.

If, during the term of this Agreement, the Public Defender is appointed to represent a defendant in an appeal to Superior Court, the Public Defender shall be paid at the rate of $40.00 per hour for work performed in such representation, not to exceed $400.00 per case.

The compensation amount represents the salary and benefits necessary to provide Public Defense services through the undersigned counsel as supplemented in Section 2.4 below, along with all infrastructure, support, and systems necessary to comply with the Standards and

Decision including, by way of illustration and not limitation, training, research, secretarial and office facilities. As provided in Section 2.5 and its sub paragraphs below, the parties will periodically review staffing in light of changes in court rule and case load in order to adjust staffing based on experience. The parties believe that they have provided sufficient capacity to ensure that, in all respects and at all times, public defense service will comply with the Standards and Decision with an adequate reserve capacity for each attorney. The Public Defender additionally agrees and promises that he will devote his full effort to the performance of this Agreement and will undertake no private practice of law or other public contract that would impede his ability to perform under this Agreement or reduce the case count available to the Public Defender.

2. Section 3 of the Agreement is hereby amended to read as follows:

3. Term. The term of this ~~agreement~~ Agreement shall be from the date of execution ~~for a three (3) year initial term~~ through ~~June 30, 2018~~December 31, 2019, unless sooner terminated as provided herein. ~~The Agreement may be extended for two (2) additional one (1) years terms at the mutual agreement of the parties, not to exceed five (5) years in total.~~

3. Except as modified herein, all other terms and conditions to the Agreement shall remain in full force and effect.

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

THOMAS S. ALPAUGH	CITY OF BAINBRIDGE ISLAND
Date:_____	Date:_____
By:_____	By:_____
Thomas S. Alpaugh WSBA # 18471	Morgan Smith, City Manager

CONTRACT FOR INDIGENT DEFENSE SERVICES

THIS CONTRACT FOR INDIGENT DEFENSE SERVICES (this "Agreement") is entered into by and between the City of Bainbridge Island, a municipal corporation (the "City"), and Thomas S. Alpaugh (the "Public Defender").

WHEREAS, a decision by the Federal Court for the Western District of Washington, the Honorable Robert Lasnik, in a case styled *Wilbur, et al v. Mt. Vernon, et al* (hereinafter the "Decision") emphasizes the need for the City to provide indigent defense services to misdemeanor clients in municipal and district courts in a manner which fully complies with the City's obligations under the Sixth and Fourteenth Amendments to the United States Constitution, and

WHEREAS, the Washington Supreme Court has adopted standards regarding the caseload of Public Defenders and the Washington State Office of Public Defense has provided guidance regarding case weighting system, and

WHEREAS, the City has conducted an evaluation of its public defense system, including the court system and appointment process, and

WHEREAS, the City desires to enter into this Agreement to bring it into compliance with the guidance of the Decision, Supreme Court Standards and the standards for the provision of indigent defense services adopted by the City in Resolution No. 2014-14.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

1. Scope of Services, Standards and Warranties. The Public Defender will provide indigent defense services in misdemeanor cases in accordance with the standards adopted by the City in Resolution No. 2014-14 as the same exists or is hereafter amended (the "Standards") and the Decision. The Public Defender individually warrants that he has read and is fully familiar with the provisions of the Standards adopted by the City and the Decision. Compliance with these Standards and the Decision goes to the essence of this Agreement. The Public Defender shall also represent all defendants in Superior Court who elect to appeal a municipal court conviction and whose application for appointed counsel has been approved. Such representation shall include, but not be limited to, attendance at appeal hearings in Superior Court. If a defendant represented by Attorney hereunder elects to appeal a conviction to Superior Court, the Public Defender shall be responsible for timely filing of a Notice of Appeal to Superior Court.

1.1 The Public Defender shall certify compliance with Supreme Court Rule and governing case load quarterly with the City's Municipal Court on the form established for that purpose by court rule. A copy of each and every such certification shall be provided to the City contemporaneously with filing. The Public Defender warrants that he shall conform to the case load limitations not only with respect to services under this Agreement but also with respect to his practice as a whole, including other contracts for public defense and/or private practice.

1.2 Public Defender will maintain contemporaneous records on a daily basis documenting all work performed on each assigned case. Public Defender will maintain and provide to the City a quarterly report detailing:

1.2.1 the number of cases assigned during the period and the time spent on each case;

1.2.2 the disposition of cases assigned indicating the number of cases dismissed, the number of cases in which charges were reduced, the number of cases tried, and the number of cases disposed of by plea;

1.2.3 the number of cases in which a motion was brought with the Court as well as cases in which a motion was filed with the prosecutor and a reduced sentence or dismissal was negotiated;

1.2.4 the number of cases in which an investigator was utilized;

1.2.5 the number of cases which were set for trial including cases in which the defendant failed to appear;

1.2.6 the number and type of criminal cases handled outside of this contract (including cases assigned by another public entity); and

1.2.7 the percentage of the Public Defender's practice spent on civil or non criminal matters.

1.3 The Public Defender further warrants that his proposal, reflected in Section 2, Compensation, reflects all infrastructure, support, administrative services, routine investigation, and systems necessary to comply with the Decision and Standards except as provided in Section 2.4 below.

1.4 The Public Defender promises that he will promptly notify the City if any circumstance, including change in rule or law, renders it difficult or impossible to provide service in compliance with the Decision and/or the Standards.

2. Compensation. The City shall pay Public Defender a flat fee of Fifty-Two Thousand Five Hundred Dollars ($52,500.00) per year. If appointed to represent a defendant in an appeal to Superior Court, the Public Defender shall be paid at the rate of $40.00 per hour for work performed in such representation, not to exceed $400.00 per case.

The compensation amount represents the salary and benefits necessary to provide Public Defense services through the undersigned counsel as supplemented in Section 2.4 below, along with all infrastructure, support, and systems necessary to comply with the Standards and Decision including by way of illustration and not limitation, training, research, secretarial and office facilities. As provided in Section 2.5 and its sub paragraphs below, the parties will periodically review staffing in light of changes in court rule and case load in order to adjust staffing based on

experience. The parties believe that they have provided sufficient capacity to ensure that, in all respects and at all times, public defense service will comply with the Standards and Decision with an adequate reserve capacity for each attorney. The Public Defender additionally agrees and promises that he will devote his full effort to the performance of this Agreement and will undertake no private practice of law or other public contract that would impede his ability to perform under this Agreement or reduce the case count available to the Public Defender.

2.1 Case Counts. Based upon case counts maintained by Public Defender and reviewed by the City, current estimates for annual case counts for all indigent cases filed by the City is approximately one hundred (100) cases per year. As provided in the Supreme Court Standards, the case counts also include the Public Defender's appearance at arraignment calendars and status conferences. The terms "case" and "credit" shall be defined in accordance with the Washington State Supreme Court rule and Washington Office of Public Defense guidelines. The City adopts an unweighted case count.

2.2 Adjustment; Internal Allocation. As provided in the Standards, case counts may be revised upwards based upon a variety of factors. Upon the Public Defender's request, the City shall review any particular case with the Public Defender to determine whether greater weighting should be assigned, and upward revisions shall not be unreasonably refused. The annual caseload shall be reviewed annually on or about June 30th each year.

2.3 Base Compensation. Except as expressly provided in Section 2.4, the cost of all infrastructure, administrative, support and systems as well as standard overhead services necessary to comply with the established standards are included in the base payment provided in Section 2.1 above.

2.4 Payments in Addition to the Base Compensation. The City shall pay for the following case expenses when reasonably incurred and approved by the Court from funds available for that purpose:

2.4.1 Discovery. Discovery shall be provided in accordance with law and court rule by the City Prosecutor. For post-conviction relief cases, discovery includes the cost to obtain a copy of the defense, prosecuting attorneys making any charge or court files pertaining to the underlying case.

2.4.2 Preauthorized Expenses. Case expenses may be requested by the Public Defender and preauthorized by order of the Court. Unless the services are performed by Public Defender's staff or subcontractors, such expenses include, but are not limited to:

(i) investigation expenses;
(ii) medical and psychiatric evaluations;
(iii) expert witness fees and expenses;
(iv) interpreters;
(v) polygraph, forensic and other scientific tests;
(vi) unusually extensive computerized legal research; and

(vii) any other non-routine expenses the Court finds necessary and proper for the investigation, preparation, and presentation of a case. In the event any expense is found by the Court to be outside of its authority to approve, the Public Defender may apply to the Contract Administrator for approval, such approval not to be unreasonably withheld.

2.4.3 Lay Witness Fees. Lay witness fees and mileage incurred in bringing defense witnesses to court, but not including salary or expenses of law enforcement officers required to accompany incarcerated witnesses;

2.4.4 Copying Clients' Files. The cost, if it exceeds $25, of providing one copy of a client's or former client's case file upon client's or client's appellate, post-conviction relief or habeas corpus attorney's request, or at the request of counsel appointed to represent the client when the client has been granted a new trial;

2.4.5 Copying Direct Appeal Transcripts Supreme Court Rules for the Administration of Courts of Limited Jurisdiction RALJ Appeals. The cost, if it exceeds $25, of making copies of direct appeal transcripts for representation in post-conviction relief cases. Public Defender is limited to no more than two copies;

2.4.6 Records. To the extent such materials are not provided through discovery, medical, school, birth, DMV, and other similar records, and 911 and emergency communication recordings and logs, when the cost of an individual item does not exceed $75; and

2.4.7 Process Service. The normal, reasonable cost for the service of a subpoena.

2.5 Review and Renegotiation.

2.5.1 Due to Increases or Decreases in Case Load. The City and the Public Defender shall, at the option of either party, renegotiate this contract if there is a significant increase or decrease in the number of cases assigned. Significant "decrease" shall mean a change of more than ten percent (10%) in the number of cases assigned. If cases are estimated to approach or exceed one hundred ten (112) cases per year or twenty eight (28) cases per quarter, the parties may renegotiate this contract to increase case coverage and compensation to Public Defender. At the request of either party, the City and Public Defender will periodically review case assignment trends, requests for additional credits and any other matters needed to determine contract compliance or necessary contract modifications. Public Defender shall promptly notify the City when quarterly case loads can reasonably be anticipated to require use of overflow or conflict counsel to assure that cases assigned to Public Defender remain within the limits adopted in this contract and comply with state and local standards.

2.5.2 Renegotiation Due to Change in Rule or Standard. This contract may be renegotiated at the option of either party if the Washington State Supreme Court, the

Washington State Bar or the City significantly modifies the Standards for Indigent Defense adopted pursuant to the Court rule or City Ordinance/Resolution.

3. Term. The term of this agreement shall be from the date of execution for a three (3) year initial term through June 30, 2018, unless sooner terminated as provided herein. The Agreement may be extended for two (2) additional one (1) year terms at the mutual agreement of the parties, not to exceed five (5) years in total.

3.1 For Cause. This Agreement may be terminated for good cause for violation of any material term of this Agreement. "Material term" shall include any violation indicating a failure to provide representation in accordance with the rules of court, the ethical obligations established by the Washington State Bar Association, the willful disregard of the rights and best interests of the client, a willful violation of the Standards or the Decision, the provisions of Section 6 relating to insurance, conviction of a criminal charge, and/or a finding that the license of the Attorney or any Public Defender providing service under this agreement, has been suspended or revoked. Any violation of the other provisions of this Agreement shall be subject to cure. Written notice of contract violation shall be provided to the Public Defender who shall have thirty (30) business days to cure the violation. Failure to correct the violation will give rise to termination for cause at the City's discretion. In lieu of terminating this contract, the City may agree in writing to alternative corrective measures.

3.2 Termination on Mutual Agreement. The parties may agree in writing to terminate this Agreement at any time. Unless otherwise agreed to in writing, termination or expiration of this Agreement does not affect any existing obligation or liability of either party.

3.4 Obligations survive Termination. In the event of termination of this Agreement, the following obligations shall survive and continue:

3.4.1 Representation. The compensation established in this Agreement compensates Public Defender for services relating to each and every assigned case. Therefore, in the event this agreement is terminated, the Public Defender will continue to represent clients on assigned cases until a case is concluded on the trial court level.

3.4.2 The provisions of sections 1 and 5, as well as this subsection 3.4 survive termination as to the Public Defender. The City shall remain bound by the provisions of section 2.4 with respect to additional costs incurred with respect to cases concluded after the termination of this contract.

4. Nondiscrimination. Neither the Public Defender nor any person acting on behalf of the Public Defender, shall, by reason of race, creed, color, national origin, sex, sexual orientation, honorably discharged doctrine or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability, discriminate against any person who is qualified and available to perform the work to which the employment relates, or in the provision of services under this Agreement.

5. Indemnification. The Public Defender agrees to hold harmless and indemnify the City, its officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including Public Defender's fees or awards, and including claims by Public Defender's own employees to which Public Defender might otherwise be immune under Title 51 arising out of or in connection with any willful misconduct or negligent error, or omission of the Public Defender, his/her officers or agents.

It is specifically and expressly understood that the indemnification provided herein constitutes the waiver of the Public Defender's waiver of immunity under Title 51 RCW solely for the purposes of this indemnification. The parties have mutually negotiated this waiver.

The City agrees to hold harmless and indemnify the Public Defender, his/her officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including Public Defender's fees or awards, arising out of or in connection with any willful misconduct or negligent error or omission of the City, its officers or agents.

This clause shall survive the termination or expiration of this Agreement and shall continue to be in effect for any claims or causes of action arising hereunder.

6. Insurance. The Public Defender shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or property which may arise from or in connection with the performance of work hereunder by the Public Defender, or the agents, representatives, employees, or subcontractors of the Public Defender.

6.1 Minimum Scope of Insurance. The Public Defender shall obtain insurance of the types described below, naming the City as an additional named insured:

6.1.2 Professional Liability (Errors and Omissions) for Public Defender with a minimum limit of liability of $1,000,000 each claim.

6.1.3 Workers' Compensation per statutory requirements of Washington industrial insurance RCW Title 51.

6.2 Verification of Coverage. Public Defender shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Service Provider before commencement of the work. Policies shall provide thirty (30) days written notice of cancellation to the City. The Public Defender shall provide the City with proof of insurance for "tail coverage" no later than December 31 of the year of termination of the Contract. The purpose of "tail coverage" is to provide insurance coverage for all claims that might arise from occurrences during the term of the Contract or extension(s) thereof, but not filed during the term of the Contract.

7. Work Performed by Public Defender. In addition to compliance with the Standards, in the performance of work under this Agreement, Public Defender shall comply with all federal,

state and municipal laws, ordinances, rules and regulations which are applicable to Public Defender's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

8. Work Performed at Public Defender's Risk. Public Defender shall be responsible for the safety of its employees, agents, and subcontractors in the performance of work hereunder, and shall take all protections reasonably necessary for that purpose. All work shall be done at the Public Defender's own risk, and the Public Defender shall be responsible for any loss or damage to materials, tools, or other articles used or held in connection with the work. Public Defender shall also pay its employees all wages, salaries and benefits required by law and provide for taxes, withholding and all other employment related charges, taxes or fees in accordance with law and IRS regulations.

9. Personal Services, no Subcontracting. This Agreement has been entered into in consideration of the Public Defender's particular skills, qualifications, experience, and ability to meet the Standards incorporated in this Agreement. Therefore, the Public Defender has personally signed this Agreement below to indicate that he is bound by its terms. This Agreement shall not be subcontracted without the express written consent of the City and refusal to subcontract may be withheld at the City's sole discretion. Any assignment of this Agreement by the Public Defender without the express written consent of the City shall be void.

10. Modification. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by the duly authorized representatives of the City and the Public Defender. An additional attorney may be added to this Agreement by adding his or her signature to these agreements.

11. Entire Agreement; Prior Agreement Superseded. The written provisions in terms of this Agreement, together with any exhibit attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statement(s) shall not be effective or construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. Upon execution, this Agreement shall supersede any and all prior agreements between the parties.

12. Written Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in the Agreement or such other address as may be hereinafter specified in writing:

CITY:
280 Madison Avenue North
Bainbridge Island, WA 98110
Attention: City Attorney

PUBLIC DEFENDER:
Thomas S. Alpaugh
600 Winslow Way E., Suite 131
Bainbridge Island, WA 98110

13. Nonwaiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein or to exercise any option herein conferred

in one or more instances shall not be construed to be a waiver or relinquishment of such covenants, agreements, or options and the same shall be and remain in full force and effect.

14. Resolutions of Disputes, Governing Law. Should any dispute, misunderstanding or conflict arise as to the terms or conditions contained in this Agreement, the matter shall be referred to the City Attorney, whose decision shall be final. Provided, however, that any complaint regarding any violation of the Standards or which relate to any manner whatsoever to trial strategy or an ongoing case, shall be referred to the Judge of the City's Municipal Court or to the Washington State Bar Association as appropriate. Nothing herein shall be construed to obligate, require or permit the City, its officers, agents, or employees to inquire into any privileged communication between the Public Defender and any indigent defendant. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for reasonable Public Defender's fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington and the rules of the Washington Supreme Court as applicable. Venue for an action arising out of this Agreement shall be in Kitsap County Superior Court.

IN WITNESS WHEREOF, the parties have executed this Agreement on the 29th day of July, 2015.

CITY OF BAINBRIDGE ISLAND

By: _____
Douglas Schulze, City Manager

PUBLIC DEFENDER

By: _____
Thomas S. Alpaugh

RESOLUTION NO. 2014-14

A RESOLUTION adopting public defense standards and requesting the City Manager to evaluate the current provision of indigent defense services and report to the City Council in the annual budget cycle.

WHEREAS, Section 10.101.030 of the Revised Code of Washington requires cities operating a court to adopt standards for the delivery of public defense services; and

WHEREAS, the Honorable Robert S. Lasnik of Federal District Court for Western Washington in his decision in *Wilbur v. Mt. Vernon* provides guidance to cities regarding the provision of indigent defense services and the funding and evaluation of such services; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. The City of Bainbridge Island hereby adopts the following standards for the provision of Public Defense Services:

1. DUTIES AND RESPONSIBILITIES.

1.1 Public Defense Services shall be provided to all clients in a professional, skilled manner consistent with the minimum standards set forth by the Washington State Bar Association Standards for Indigent Defense Services (June 3, 2011), the Rules of Professional Conduct, case law and in particular the decision in *Wilbur v. Mt. Vernon*, and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. The Public Defender's primary and most fundamental responsibility is to promote and protect the interests of the client.

1.2 Public Defense shall be provided to indigent clients whose eligibility has been determined through an established screening process.

1.3 All Public Defenders providing services by contract shall quarterly certify their compliance with the standards for indigent defense by filing a Certification of Compliance as required by CrR 3.1, CrRLJ 3.1, and JuCR 9.2. Such forms shall be filed with the City's Municipal Court. Copies of each Public Defender's certification shall be available to the City on request.

1.4 Non-Discrimination. The Public Defender shall comply with all federal, state and local non-discrimination laws or ordinances. The duty of non-discrimination relates not only to the provision of services by the Public Defender to the clients, but also with respect to the hiring and employment practices of the Public Defender Contractor.

2. ADMINISTRATION, SUPPORT SERVICES AND INFRASTRUCTURE.

2.1 Contracts for services and proposals submitted in pursuit of such contracts shall require the Public Defender to provide through adequate compensation provided in the contract, adequate administrative support, including but not limited to:

2.1.1 Travel, telephones, law library and/or electronic research capabilities, financial accounting, case management systems, computers, word processing equipment and software, office space and supplies. Proposals for contracts shall be evaluated to address the training of attorneys and staff (see Section 1.1 above) and provide for adequate staffing and other costs associated with the day-to-day management of a law office.

2.1.2 Private offices and/or conference rooms shall be available which allow the maintenance of confidentiality. A telephone system, internet access and postal address shall be provided by the Public Defender.

2.2 The Public Defender shall provide for adequate staffing under the contract. An adequate staff includes the provision for investigative services, legal assistance, accounting services, case management services and/or programs and access, when needed, to the services of a social worker, mental health professional and translator.

2.3 The contract shall provide for additional compensation for extraordinary costs associated with defense, such as expert witness fees.

3. EVALUATION AND MONITORING.

3.1 Public Defense Services shall include a case reporting system and information management system. Such systems shall have the capability to provide periodic reports to the City regarding the caseloads generated under the contract for each attorney and intern providing services under the contract, case disposition and history.

4. CASELOAD LIMITS.

The Public Defender shall comply with all caseload limitations imposed pursuant to the Court Rule and adopted Standards of the Washington State Supreme Court.

5. CONTRACT WARRANTY.

The Public Defender, Conflict Counsel and every attorney providing indigent defense services by contract with the City shall warrant that he/she has:

5.1 Read the *Wilbur* decision and will provide service in accord with its provisions, and

5.2 Ensured that the compensation provided is sufficient to provide adequately for the training, administrative and staff services, and infrastructure required by these Standards,

Court Rule and the State and Federal Constitution.

6. TERMINATION AND REMOVAL.

6.1 Termination of the contract shall occur only for "good cause." Good cause shall include the failure of the contract Public Defender to render adequate representation to clients, the willful disregard of the rights and best interests of the client, and/or the willful disregard of these Standards. Termination may also occur for violation of the express terms of the contract, provided, however, that the Public Defender shall be provided reasonable opportunity, following notice, to cure any technical contract violations that do not impair the provision of quality representation to the indigent client.

6.2 Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

7. SUBCONTRACTORS, SUBSTITUTION, AND CONFLICT COUNSEL.

7.1 In the event of conflict or removal of the Public Defender, Conflict Counsel shall be available, either through a joint contract with the Public Defender and Conflict Counsel, by separate contract with Conflict Counsel or by court appointment. In the event that alternative or Conflict Counsel is required to be assigned, the Public Defender shall bear no part of the costs associated with the appointment of an alternative or Conflict Counsel. The contract should address the procedures for continuing representation of clients upon conclusion of the agreement.

7.2 Conflict Counsel shall adhere to the standards established by this resolution, including but not limited to, an evaluation of the overall case count annually by Conflict Counsel under the procedures set forth in this agreement.

8. UPDATE AND EVALUATION.

As the rules established by the Washington State Supreme Court are applied and interpreted by the courts and, when appropriate, the Bar Association and other administrative agencies, the City states its intent to review and modify these standards.

Section 2. The City Council emphasizes that this resolution initiates a process for review for standards for indigent defense with the public defender and requests the City Manager and his staff to begin a process to review and evaluate the provision of public defense services.

2.1 The City Manager is requested to use as guidelines the *Wilbur* decision, the Washington State Bar Association Standards for Indigent Defense Services approved, June 3, 2011, and the Washington State Supreme Court in the review.

2.2 The City Manager is requested to review any existing contracts and recommend amendments as appropriate to incorporate these standards by October 1, 2014, or such other date as is appropriate in the budget process.

2.3 The City Manager is requested to utilize these standards in an ongoing evaluation process to ensure that provision of indigent defense service complies with these standards and the State and Federal Constitution.

PASSED by the City Council this 23rd day of June, 2014.

APPROVED by the Mayor this 23rd day of June, 2014.

By: Anne S. Blair
Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

By: Rosalind D. Lassoff
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	June 11, 2014
PASSED BY THE CITY COUNCIL:	June 23, 2014
RESOLUTION NO.	2014-14

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:55 PM) Agenda Bill for Consent Agenda,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION:
I move to approve the Consent Agenda, as presented.

SUMMARY:
Consider approval of the following Consent Agenda items:
A. Accounts Payable and Payroll
B. Special City Council Minutes, November 6, 2018
C. City Council Regular Business Meeting, November 13, 2018
D. WestNet Interlocal Agreement
E. Registered Sex Offender Address and Residency Verification MOU with Kitsap County Sheriff's Office
F. 2019-2021 Fire Safety Services Interlocal Agreement with Bainbridge Island Fire Department
G. Contract Amendment to the Legal Services Agreement for Prosecution Services with Kitsap County Prosecuting Attorney's Office
H. Resolution No. 2018-24 Amending the 2018 Fee Schedule to Update Fees for Obtaining Public Records
I. Ordinance No. 2018-39 Adopting the Budget of the City for Fiscal Years ending December 31, 2019 and December 31, 2020

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:**

AGENDA ITEM: Accounts Payable and Payroll

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Finance & Administrative Services

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
Consider approval of accounts payable and payroll.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Report to Council of Cash Disbursements 11-27-18

Payroll

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: November 12, 2018 - November 26, 2018
CITY COUNCIL: November 13, 2018 - November 27, 2018

Last check from previous run: 349064 dated 11/08/2018 issued to Titan Earthwork, LLC in the amount of $447,159.96

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
EFT	N/A	N/A		N/A
ACH	N/A	N/A		N/A
ACH	N/A	N/A		N/A
VOID	11/14/18	348981	PCD/Naida Khan/incorrect payee, address	N/A
VOID	11/14/18	349007	EX/OPG New Brooklyn LLC/Voided to add contract info to payment	N/A
Manual	11/13/18	349065	US Bank/Credit card purchases - October 2018	34,967.67
Manual	11/13/18	349066	CC/Ann Pearl Catering/Council Retreat Catering	448.64
Manual	11/13/18	349067	Bainbridge Disposal/Commons garbage service	257.98
Manual	11/13/18	349068	CenturyLink/Citywide telemetry services	1,016.25
Manual	11/13/18	349069	PW/CH2O International/HVAC repairs	654.00
Manual	11/13/18	349070	PW/Columbia Ford/2018 Ford pickup truck	49,001.14
Manual	11/13/18	349071	EX/OPG New Brooklyn LLC/Suzuki property development services	27,040.26
Manual	11/13/18	349072	ENG/KC Auditor/Recording fee - 490 Grow Pl	208.00
Manual	11/13/18	349073	ENG/KC Auditor/Recording fee - 180 Olympic Dr	104.00
Manual	11/13/18	349074	ENG/KC Auditor/Recording fee - 220 Olympic Dr	104.00
Manual	11/13/18	349075	ENG/KC Treasurer/Deed fee - 490 Grow Pl	262.03
Manual	11/13/18	349076	ENG/Lee-Kim/Temporary easement 180 Olympic Dr	3,350.00
Manual	11/13/18	349077	ENG/Lee-Kim/Attorney fees	660.00
Manual	11/13/18	349078	ENG/Ostenson & Sweazey/Temporary easement 220 Olympic Dr	6,770.00
Manual	11/13/18	349079	ENG/Sodikoff Family Trust/Temporary easement 490 Grow Pl	17,665.00
Manual	11/16/18	349080	ENG/Aspect Consulting/Water quality flow monitoring	622.50
Manual	11/16/18	349081	ENG/KC Auditor/Recording fee - Olympic Dr	104.00
Manual	11/16/18	349082	Puget Sound Energy/Casey St water meter, 184 Winslow Way E	27.56
Manual	11/16/18	349083	ENG/Wayne & Catherine Purves/Fletcher Bay tree removal	872.00
Manual	11/16/18	349084	PW/Toshiba/Copier lease	273.60
Manual	11/16/18	349085	PW/TR Systems LLC/Diagnostic software	799.95
Manual	11/16/18	349086	Verizon Wireless/Citywide cell phone services October 2018	5,589.69
Manual	11/16/18	349087	ENG/Winslow Marine LLC/Temp easement Olympic Dr	4,870.00
Manual	11/16/18	349088	UB/Fixter/Refund for utility overpayment	3,598.56
Manual	11/20/18	349089	PW/COBI/Retainage: 2018 Road Striping	8,480.51
Manual	11/20/18	349090	North Kitsap Tourism/Q2 2018 LTAC	4,500.00
Manual	11/20/18	349091	CC/Seabold Consulting/Council retreat	1,000.00
Manual	11/20/18	349092	PW/Stripe Rite/2018 Road Striping	161,129.62
Manual	11/21/18	349093	BI Lodging Association/Q2-Q3 2018 LTAC	21,569.59
Manual	11/21/18	349094	PCD/NW Permit Inc/BLD23403 Fee refund	103.75
			Manual Checks and Electronic Disbursements	**356,050.30**
Regular Run	11/14/18	349095-349197	**Regular Check Run**	**205,717.83**
				561,768.13
Retainage Release	N/A	N/A		N/A
Travel Advance	N/A	N/A		N/A

Prepared and Reviewed by _____ Carrie Christianson, Senior Accounting Technician

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

Ron Loegghe, Interim Accounting Manager — Date 11/21/18

VOID
CC 11/21/18

RT 11/21/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
348981	11/14/2018	VOID	9066	NAIDA KHAN	226423	BLD23403	10/16/2018			-103.75
Invoice: BLD23403						PCD/BLD23403 FEE REFUND (CANCELLED)				
					-103.75	47148 322100	BUILDINGS, STRUCT. & EQ			
								CHECK 348981 TOTAL:		-103.75
							NUMBER OF CHECKS 1	*** CASH ACCOUNT TOTAL ***		-103.75

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	103.75

*** GRAND TOTAL *** -103.75

Check returned undeliverable.
Reviewed documentation, address provided was off by one number & payee was incorrect (s/b company, not individual).
VOID for reissue to correct these items.

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE / JNL DESC / REF 1 / REF 2 / REF 3	ACCOUNT DESC / LINE DESC	T OB	DEBIT	CREDIT
2018 11 278				
APP 407-213000	ACCOUNTS PAYABLE			103.75
11/21/2018 348981 VOID	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH		103.75	
11/21/2018 348981 VOID	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		103.75	103.75
APP 631-130000	DUE TO/FROM CLEARING			103.75
11/21/2018 11/11/18 VOID				
APP 407-130000	DUE TO/FROM CLEARING		103.75	
11/21/2018 11/11/18 VOID				
	SYSTEM GENERATED ENTRIES TOTAL		103.75	103.75
	JOURNAL 2018/11/278 TOTAL		207.50	207.50

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION		DEBIT	CREDIT
407 BUILDING & DEVELOPMENT FUND	2018 11	278	11/21/2018			
407-130000			DUE TO/FROM CLEARING		103.75	
407-213000			ACCOUNTS PAYABLE			103.75
				FUND TOTAL	103.75	103.75
631 CLEARING FUND	2018 11	278	11/21/2018			
631-130000			DUE TO/FROM CLEARING			103.75
635-111100			CASH		103.75	
				FUND TOTAL	103.75	103.75

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
407	BUILDING & DEVELOPMENT FUND		103.75
631	CLEARING FUND	103.75	
	TOTAL	103.75	103.75

** END OF REPORT - Generated by Carrie L. Christianson **

VOID cc 11/9/18 RL 11/9/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349007	11/14/2018	VOID	9021 OPG NEW BROOKLYN LLC	226570	128049	10/17/2018			-27,040.26
Invoice: 128049					EX/SUZUKI PROPERTY				
				-27,040.26	31011593 54110000961	SUZUKI PROP DEV-PROF SVCS			

CHECK 349007 TOTAL: -27,040.26

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** -27,040.26

	COUNT	AMOUNT
TOTAL VOIDED CHECKS	1	27,040.26

*** GRAND TOTAL *** -27,040.26

Contract not included w/ original invoice approval. Voided check & invoice in order to add correct contract.

initial & date only. Nothing to do in Munis.

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 93									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE				27,040.26
11/14/2018	349007	VOID			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH			27,040.26	
11/14/2018	349007	VOID			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			27,040.26	27,040.26
APP 631-130000					DUE TO/FROM CLEARING				27,040.26
11/14/2018	11/11/18	VOID							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING			27,040.26	
11/14/2018	11/11/18	VOID							
					SYSTEM GENERATED ENTRIES TOTAL			27,040.26	27,040.26
					JOURNAL 2018/11/93 TOTAL			54,080.52	54,080.52

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	93	11/14/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING	27,040.26	
001-213000			GENERAL - ACCOUNTS PAYABLE		27,040.26
			FUND TOTAL	27,040.26	27,040.26
631 CLEARING FUND	2018 11	93	11/14/2018		
631-130000			DUE TO/FROM CLEARING		27,040.26
635-111100			CASH	27,040.26	
			FUND TOTAL	27,040.26	27,040.26

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		27,040.26
631	CLEARING FUND	27,040.26	
	TOTAL	27,040.26	27,040.26

** END OF REPORT - Generated by Carrie L. Christianson **

US BANK - OCT 2018

cc 11/13/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349065	11/13/2018	PRTD	7314 US BANK	226593	09/25/18-JB	10/25/2018		USBANK10	67.25
	Invoice: 09/25/18-JB				POL/WOODEN CITY/DINNER: JB, EP				
				67.25	54025212 443410	MARINE - TRAINING			
				226594	09/25/18-JB-A	10/25/2018		USBANK10	32.41
	Invoice: 09/25/18-JB-A				POL/STEEL CREEK/DINNER: JB				
				32.41	54025212 443410	MARINE - TRAINING			
				226595	09/25/18-JB-B	10/25/2018		USBANK10	19.81
	Invoice: 09/25/18-JB-B				POL/ROCK THE DOCK/LUNCH: JB, EP				
				19.81	54025212 443410	MARINE - TRAINING			
				226596	09/25/18-JB-C	10/25/2018		USBANK10	37.93
	Invoice: 09/25/18-JB-C				POL/HOTEL MURANO/BHREAKFAST: JB, EP				
				37.93	54025212 443410	MARINE - TRAINING			
				226597	09/26/18-JB	10/25/2018		USBANK10	18.71
	Invoice: 09/26/18-JB				POL/ROCK THE DOCK/LUNCH: JB, EP				
				18.71	54025212 443410	MARINE - TRAINING			
				226598	09/26/18-JB-A	10/25/2018		USBANK10	39.03
	Invoice: 09/26/18-JB-A				POL/HOTEL MURANO/BREAKFAST: JB, EP				
				39.03	54025212 443410	MARINE - TRAINING			
				226599	09/27/18-JB	10/25/2018		USBANK10	40.13
	Invoice: 09/27/18-JB				POL/HOTEL MURANO/DINNER: JB, EP				
				40.13	54025212 443410	MARINE - TRAINING			
				226600	10/14/18-JB	10/25/2018		USBANK10	110.46
	Invoice: 10/14/18-JB				POL/PORT OF BROWNSVILLE/FUEL				
				110.46	54025212 532000	MARINE - FUEL			
				226601	10/11/18-CB	10/25/2018		USBANK10	103.42
	Invoice: 10/11/18-CB				EXCC/CAMPBELL'S RESORT/LODGING				
				103.42	36011143 443410	CLERK-C/E-TRAINING			
				226602	10/24/18-CB	10/25/2018		USBANK10	75.00
	Invoice: 10/24/18-CB				EXCC/IIMC/CERTIFICATION FEE				
				75.00	36011143 549100	CLERK-DUES/SUBSCR/MEMBRSHPS			
				226603	10/03/18-BB	10/25/2018		USBANK10	658.17
	Invoice: 10/03/18-BB				POL/AMAZON/GAME CAMERA				
				658.17	53011212 531100	PD-C/E-PATROL SUPPLIES			
				226604	10/13/18-BB	10/25/2018		USBANK10	432.72
	Invoice: 10/13/18-BB				POL/SPRINGHILL SUITES/LODGING				
				432.72	53011212 443410	POLICE - C/E PATROL TRAINING			
				226605	10/18/18-BB	10/25/2018		USBANK10	360.36
	Invoice: 10/18/18-BB				POL/RELIABLE/STORAGE UNIT J-28 OCT-NOV				
				360.36	53011212 545000	POLICE - C/E PATROL RENTS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226606	10/18/18-BB-A	10/25/2018		USBANK10	425.00
Invoice: 10/18/18-BB-A					POL/IACP/REG FOR MH FOR IACP CONF				
				425.00	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226607	10/22/18-BB	10/25/2018		USBANK10	275.00
Invoice: 10/22/18-BB					POL/MITAGS/REG FOR TA, VESSEL SECURITY TRNG				
				275.00	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226608	10/22/18-BB-A	10/25/2018		USBANK10	40.00
Invoice: 10/22/18-BB-A					POL/GOOD2GO/TRANSPONDER REPLENISH				
				30.00	53011212 443410	POLICE - C/E PATROL TRAINING			
				10.00	73411345 443410	O&M-WTR MAINT-TRAINING EXP			
				226609	10/24/18-BB	10/25/2018		USBANK10	81.74
Invoice: 10/24/18-BB					POL/AMAZON/UNIFORM PANTS				
				81.74	51011191 520000	PD-C/E-PROP RM-BENEFITS			
				226610	10/24/18-BB-A	10/25/2018		USBANK10	350.00
Invoice: 10/24/18-BB-A					POL/FORM MASTERS/RECEIPT BOOKS				
				350.00	51011211 531100	PD-C/E-ADM-SUPPLIES			
				226611	10/09/18-KD	10/25/2018		USBANK10	25.50
Invoice: 10/09/18-KD					EX/WSF/FERRY				
				25.50	31011572 54245000957	SAFE MOBILITY LEVY-OUTREACH			
				226612	10/16/18-KD	10/25/2018		USBANK10	29.04
Invoice: 10/16/18-KD					EX/COQUETTE/PASTRIES FOR 3DOP TEAM				
				29.04	31011256 531100	EX-GF-EMERG PREP-SUPPLIES			
				226613	10/17/18-KD	10/25/2018		USBANK10	132.99
Invoice: 10/17/18-KD					EX/WALMART/C.H. TRICK OR TREAT				
				132.99	31011572 531100	EX-GF-OUTREACH-SUPPLIES			
				226614	10/17/18-KD-A	10/25/2018		USBANK10	45.78
Invoice: 10/17/18-KD-A					EX/TARGET/C.H. TRICK OR TREAT				
				45.78	31011572 531100	EX-GF-OUTREACH-SUPPLIES			
				226615	10/17/18-KD-B	10/25/2018		USBANK10	16.34
Invoice: 10/17/18-KD-B					EX/PARTY CITY/C.H. TRICK OR TREAT				
				16.34	31011572 531100	EX-GF-OUTREACH-SUPPLIES			
				226616	10/08/18-KD	10/25/2018		USBANK10	486.11
Invoice: 10/08/18-KD					WELLNESS/4IMPRINT/LUNCH BOXES				
				486.11	91029179 531100	GG-SELF INS-WELLNESS-SUPPLIES			
				226617	10/03/18-MH	10/25/2018		USBANK10	3.00
Invoice: 10/03/18-MH					POL/SOUND TRANSIT/LIGHT RAIL				
				3.00	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226618	10/03/18-MH-A	10/25/2018		USBANK10	30.00
Invoice: 10/03/18-MH-A					POL/UNITED/BAG FEE				
				30.00	51011214 443410	PD-C/E-ADMIN-TRAINING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226619	10/06/18-MH	10/25/2018		USBANK10	37.13
Invoice: 10/06/18-MH				37.13	51011214 443410	POL/OLIVE GARDEN/DINNER PD-C/E-ADMIN-TRAINING			
				226620	10/06/18-MH-A	10/25/2018		USBANK10	18.22
Invoice: 10/06/18-MH-A				18.22	51011214 443410	POL/FRIENDLY'S/DINNER PD-C/E-ADMIN-TRAINING			
				226621	10/06/18-MH-B	10/25/2018		USBANK10	4.04
Invoice: 10/06/18-MH-B				4.04	51011214 443410	POL/OLIVE GARDEN/DINNER PD-C/E-ADMIN-TRAINING			
				226622	10/06/18-MH-C	10/25/2018		USBANK10	18.52
Invoice: 10/06/18-MH-C				18.52	51011214 443410	POL/SAFE GAUGUIN/LUNCH PD-C/E-ADMIN-TRAINING			
				226623	10/08/18-MH	10/25/2018		USBANK10	16.09
Invoice: 10/08/18-MH				16.09	51011214 443410	POL/FRIENDLY'S/LUNCH PD-C/E-ADMIN-TRAINING			
				226624	10/07/18-MH	10/25/2018		USBANK10	18.76
Invoice: 10/07/18-MH				18.76	51011214 443410	POL/CAFE GAUGUIN/BREAKFAST PD-C/E-ADMIN-TRAINING			
				226625	10/09/18-MH	10/25/2018		USBANK10	39.62
Invoice: 10/09/18-MH				39.62	51011214 443410	POL/FRIENDLY'S/DINNER PD-C/E-ADMIN-TRAINING			
				226626	10/08/18-MH-A	10/25/2018		USBANK10	28.02
Invoice: 10/08/18-MH-A				28.02	51011214 443410	POL/RED'S DELI/DINNER PD-C/E-ADMIN-TRAINING			
				226627	10/09/18-MH-A	10/25/2018		USBANK10	18.76
Invoice: 10/09/18-MH-A				18.76	51011214 443410	POL/CAFE GAUGUIN/BREAKFAST PD-C/E-ADMIN-TRAINING			
				226628	10/10/18-MH	10/25/2018		USBANK10	57.50
Invoice: 10/10/18-MH				57.50	51011214 443410	POL/OUTBACK/DINNER PD-C/E-ADMIN-TRAINING			
				226629	10/10/18-MH-A	10/25/2018		USBANK10	1,119.40
Invoice: 10/10/18-MH-A				1,119.40	51011214 443410	POL/MARRIOTT/LODGING PD-C/E-ADMIN-TRAINING			
				226630	10/11/18-MH	10/25/2018		USBANK10	8.50
Invoice: 10/11/18-MH				8.50	51011214 443410	POL/WSDOT/FERRY PD-C/E-ADMIN-TRAINING			
				226631	10/11/18-MH-A	10/25/2018		USBANK10	3.00
Invoice: 10/11/18-MH-A				3.00	51011214 443410	POL/SOUND TRANSIT/LIGHT RAIL PD-C/E-ADMIN-TRAINING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226632	10/11/18-MH-B	10/25/2018		USBANK10	30.00
Invoice: 10/11/18-MH-B						POL/UNITED/BAG FEE			
				30.00	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226633	10/16/18-MH	10/25/2018		USBANK10	15.35
Invoice: 10/16/18-MH						POL/WSDOT/FERRY			
				15.35	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226634	10/16/18-MH-A	10/25/2018		USBANK10	23.85
Invoice: 10/16/18-MH-A						POL/WSDOT/FERRY			
				23.85	51011214 443410	PD-C/E-ADMIN-TRAINING			
				226635	10/23/18-MH	10/25/2018		USBANK10	5.99
Invoice: 10/23/18-MH						POL/SAFEWAY/DONUS FOR AMSTD CLASS			
				5.99	51011211 53110000589	PD-COMM OUTREACH-SUPPLIES			
				226636	10/05/18-JH	10/25/2018		USBANK10	98.08
Invoice: 10/05/18-JH						POL/PROCLIP/DASH MOUNT PHONE HOLDER			
				98.08	51011211 531100	PD-C/E-ADM-SUPPLIES			
				226637	10/08/18-CK	10/25/2018		USBANK10	32.60
Invoice: 10/08/18-CK						POL/TEXAS ROADHOUSE/DINNER			
				32.60	53011212 443410	POLICE - C/E PATROL TRAINING			
				226638	10/08/18-CK-A	10/25/2018		USBANK10	43.60
Invoice: 10/08/18-CK-A						POL/CHEVRON/FUEL			
				43.60	53011212 443410	POLICE - C/E PATROL TRAINING			
				226639	10/09/18-CK	10/25/2018		USBANK10	32.60
Invoice: 10/09/18-CK						POL/TEXAS ROADHOUSE/DINNER			
				32.60	53011212 443410	POLICE - C/E PATROL TRAINING			
				226640	10/09/18-CK-A	10/25/2018		USBANK10	6.00
Invoice: 10/09/18-CK-A						POL/WSDOT/BRIDGE TOLL			
				6.00	53011212 443410	POLICE - C/E PATROL TRAINING			
				226641	10/10/18-CK	10/25/2018		USBANK10	34.78
Invoice: 10/10/18-CK						POL/BUFFALO WILD WINGS/DINNER			
				34.78	53011212 443410	POLICE - C/E PATROL TRAINING			
				226642	10/12/18-CK	10/25/2018		USBANK10	16.93
Invoice: 10/12/18-CK						POL/TST/DINNER			
				16.93	53011212 443410	POLICE - C/E PATROL TRAINING			
				226643	10/12/18-CK-A	10/25/2018		USBANK10	44.88
Invoice: 10/12/18-CK-A						POL/CHEVRON/FUEL			
				44.88	53011212 443410	POLICE - C/E PATROL TRAINING			
				226644	10/03/18-GK	10/25/2018		USBANK10	-1,176.11
Invoice: 10/03/18-GK						POL/SOUTH SOUND BMW/RETURNS			
				-1,176.11	53011212 531100	PD-C/E-PATROL SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226645	10/05/18-GK	10/25/2018		USBANK10	108.99
Invoice: 10/05/18-GK						POL/AMAZON/MOTORCYCLE RAIN JACKET			
				108.99	53011212 520000	POLICE - C/E PATROL BENEFITS			
				226646	10/08/18-GK	10/25/2018		USBANK10	95.32
Invoice: 10/08/18-GK						POL/AMAZON/MOTORCYCLE COVER			
				95.32	53011212 531100	PD-C/E-PATROL SUPPLIES			
				226647	10/09/18-GK	10/25/2018		USBANK10	65.39
Invoice: 10/09/18-GK						POL/AMAZON/MOTORCYCLE RAIN PANTS			
				65.39	53011212 520000	POLICE - C/E PATROL BENEFITS			
				226648	10/01/18-RL	10/25/2018		USBANK10	26.95
Invoice: 10/01/18-RL						CC/KRCC/LEG RECEPTION: KM			
				26.95	11011116 543100	COUNCIL-TRAVEL/MEALS/LODGING			
				226649	10/01/18-RL-A	10/25/2018		USBANK10	75.00
Invoice: 10/01/18-RL-A						CC/WA CONSERVATION VOTERS/BREAKFAST: JD			
				75.00	11011116 543100	COUNCIL-TRAVEL/MEALS/LODGING			
				226650	10/03/18-RL	10/25/2018		USBANK10	36.05
Invoice: 10/03/18-RL						EX/NAMETAG COUNTRY/NAME TAGS			
				36.05	31011131 531100	EX-GF-SUPPLIES			
				226651	10/03/18-RL-A	10/25/2018		USBANK10	26.95
Invoice: 10/03/18-RL-A						CC/KRCC/LEG RECEPTION: LS			
				26.95	11011116 543100	COUNCIL-TRAVEL/MEALS/LODGING			
				226652	10/04/18-RL	10/25/2018		USBANK10	50.00
Invoice: 10/04/18-RL						CC/AWC/2018 REG MEETING: LS			
				50.00	11011116 543100	COUNCIL-TRAVEL/MEALS/LODGING			
				226653	10/09/18-RL	10/25/2018		USBANK10	1,860.00
Invoice: 10/09/18-RL						EX/ALLIANCE FOR INNOV/MEMBERSHIP			
				1,860.00	31011131 549100	EX-GF-DUES/SUBCR/MEMBERSH			
				226654	10/12/18-RL	10/25/2018		USBANK10	50.00
Invoice: 10/12/18-RL						EX/USPS/STAMPS			
				50.00	91011189 542500	GG-C/E-CITY HALL-POSTAGE			
				226655	10/19/18-RL	10/25/2018		USBANK10	42.25
Invoice: 10/19/18-RL						CC,EX,FIN/NAMETAG COUNTRY/NAME TAGS			
				14.09	11011116 531100	COUNCIL - SUPPLIES			
				14.08	31011131 531100	EX-GF-SUPPLIES			
				14.08	41011141 531100	FIN - C/E ADMIN SUPPLIES			
				226656	10/10/18-JL	10/25/2018		USBANK10	3.00
Invoice: 10/10/18-JL						LEGAL/SOUND TRANSIT/LIGHT RAIL			
				3.00	32011154 443410	LGL-GF-TRAINING			
				226657	10/10/18-JL-A	10/25/2018		USBANK10	16.86

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
Invoice: 10/10/18-JL-A				16.86	32011154 443410 LEGAL/PF CHANGS/DINNER LGL-GF-TRAINING				
				226658	10/12/18-JL	10/25/2018		USBANK10	8.50
Invoice: 10/12/18-JL				8.50	32011154 443410 LEGAL/WSF/FERRY LGL-GF-TRAINING				
				226659	10/12/18-JL-A	10/25/2018		USBANK10	3.00
Invoice: 10/12/18-JL-A				3.00	32011154 443410 LEGAL/SOUND TRANSIT/LIGHT RAIL LGL-GF-TRAINING				
				226660	10/12/18-JL-B	10/25/2018		USBANK10	4.73
Invoice: 10/12/18-JL-B				4.73	32011154 443410 LEGAL/STARBUCKS/LUNCH LGL-GF-TRAINING				
				226661	09/27/18-CL	10/25/2018		USBANK10	72.43
Invoice: 09/27/18-CL				72.43	63470588 531100 PCD/AMAZON/OFFICE SUPPLIES CUR - DEV DEV PLAN OFC SUPPLY				
				226662	10/08/18-CL	10/25/2018		USBANK10	31.59
Invoice: 10/08/18-CL				31.59	63470588 531100 PCD/AMAZON/OFFICE SUPPLIES CUR - DEV DEV PLAN OFC SUPPLY				
				226663	10/24/18-CL	10/25/2018		USBANK10	157.39
Invoice: 10/24/18-CL				157.39	63470588 531100 PCD/NOTARY SUPPLY/NOTARY SUPPLIES CUR - DEV DEV PLAN OFC SUPPLY				
				226664	09/25/18-SM	10/25/2018		USBANK10	24.80
Invoice: 09/25/18-SM				24.80	21011125 443410 CRT/GASPERETTI'S/DINNER COURT - TRAINING				
				226665	09/25/18-EP	10/25/2018		USBANK10	6.00
Invoice: 09/25/18-EP				6.00	54025212 443410 POL/WSDOT/BRIDGE TOLL MARINE - TRAINING				
				226666	09/26/18-EP	10/25/2018		USBANK10	76.22
Invoice: 09/26/18-EP				76.22	54025212 443410 POL/STEEL CREEK/DINNER: JB, EP MARINE - TRAINING				
				226667	09/25/18-EP-A	10/25/2018		USBANK10	20.56
Invoice: 09/25/18-EP-A				20.56	54025212 443410 POL/PACIFIC SEAFOOD/LUNCH MARINE - TRAINING				
				226668	09/26/18-EP-A	10/25/2018		USBANK10	28.72
Invoice: 09/26/18-EP-A				28.72	54025212 443410 POL/PACIFIC SEAFOOD/BREAKFAST MARINE - TRAINING				
				226669	09/27/18-EP	10/25/2018		USBANK10	61.66
Invoice: 09/27/18-EP				61.66	52011212 531100 POL/HOTEL MURANO/PERSONAL - NOV REVERSAL POLICE - C/E INVEST SUPPLIES				
				226670	09/27/18-EP-A	10/25/2018		USBANK10	733.90

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
Invoice: 09/27/18-EP-A				226671	09/27/18-EP-B	10/25/2018		USBANK10	675.26
				733.90	54025212 443410	POL/HOTEL MURANO/LODGING: EP MARINE - TRAINING			
Invoice: 09/27/18-EP-B				226672	10/03/18-EP	10/25/2018		USBANK10	26.15
				675.26	54025212 443410	POL/HOTEL MURANO/LODGING: JB MARINE - TRAINING			
Invoice: 10/03/18-EP				226673	10/08/18-EP	10/25/2018		USBANK10	13.18
				26.15	52011212 531100	POL/AMAZON/PERSONAL - NOV REVERSAL POLICE - C/E INVEST SUPPLIES			
Invoice: 10/08/18-EP				226674	10/08/18-EP-A	10/25/2018		USBANK10	15.35
				13.18	52011212 443410	POL/SAPPORO TERIYAKI/LUNCH POLICE - C/E INVEST TRAINING			
Invoice: 10/08/18-EP-A				226675	10/08/18-EP-B	10/25/2018		USBANK10	15.35
				15.35	52011212 443410	POL/WSDOT/FERRY POLICE - C/E INVEST TRAINING			
Invoice: 10/08/18-EP-B				226682	09/26/18-JR	10/25/2018		USBANK10	16.50
				15.35	52011212 443410	POL/WSDOT/FERRY POLICE - C/E INVEST TRAINING			
Invoice: 09/26/18-JR				226683	09/27/18-JR	10/25/2018		USBANK10	297.02
				16.50	63470588 531100	PCD/USPS/CERTIFIED MAIL CUR - DEV DEV PLAN OFC SUPPLY			
Invoice: 09/27/18-JR				226684	09/27/18-JR-A	10/25/2018		USBANK10	115.00
				297.02	61011581 531100	PCD/AMAZON/CHAIRS PCD - C/E ADMIN SUPPLIES			
Invoice: 09/27/18-JR-A				226685	09/27/18-JR-B	10/25/2018		USBANK10	31.66
				115.00	63470588 549100	PCD/APA/DUES: SONTAG CUR-DEV PLAN-DUES/SUBSCR			
Invoice: 09/27/18-JR-B				226686	09/27/18-JR-C	10/25/2018		USBANK10	103.54
				31.66	61011581 531100	PCD/AMAZON/LIFE SAVERS PCD - C/E ADMIN SUPPLIES			
Invoice: 09/27/18-JR-C				226687	10/03/18-JR	10/25/2018		USBANK10	900.00
				103.54	61011581 531100	PCD/AMAZON/STOOL PCD - C/E ADMIN SUPPLIES			
Invoice: 10/03/18-JR				226688	10/03/18-JR-A	10/25/2018		USBANK10	86.33
				900.00	61470581 545000	PCD/STORAGE 98110/STORAGE UNITS PCD - DEV ADMIN RENTS & LEASES			
Invoice: 10/03/18-JR-A				226689	10/03/18-JR-B	10/25/2018		USBANK10	39.77
				86.33	63011586 443410	PCD/IRON GOAT/DINNER: VARIOUS CUR - C/E TRAINING TRAVEL			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226690	10/04/18-JR	10/25/2018		USBANK10	34.92
	Invoice: 10/04/18-JR-B				PCD/CENEX/FUEL				
				39.77	63011586 443410	CUR - C/E TRAINING TRAVEL			
	Invoice: 10/04/18-JR				PCD/OXFORD SUITES/DINNER				
				34.92	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226691	10/04/18-JR-A	10/25/2018		USBANK10	54.12
	Invoice: 10/04/18-JR-A				PCD/OXFORD SUITES/MEAL				
				54.12	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226692	10/03/18-JR-C	10/25/2018		USBANK10	33.01
	Invoice: 10/03/18-JR-C				PCD/AMAZON/CORKBOARD				
				33.01	61011581 531100	PCD - C/E ADMIN SUPPLIES			
				226693	10/03/18-JR-D	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-D				PCD/OXFORD SUITES/ROOM: DG				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226694	10/03/18-JR-E	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-E				PCD/OXFORD SUITES/ROOM:KT				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226695	10/03/18-JR-F	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-F				PCD/OXFORD SUITES/ROOM: LL				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226696	10/03/18-JR-G	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-G				PCD/OXFORD SUITES/ROOM:OS				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226697	10/03/18-JR-H	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-H				PCD/OXFORD SUITES/ROOM: AH				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226698	10/03/18-JR-I	10/25/2018		USBANK10	248.18
	Invoice: 10/03/18-JR-I				PCD/OXFORD SUITES/ROOM:EF				
				248.18	63011586 443410	CUR - C/E TRAINING TRAVEL			
				226699	09/26/18-AR	10/25/2018		USBANK10	-522.60
	Invoice: 09/26/18-AR				HILTON/REVERSAL OF NO SHOW CHARGES				
				-522.60	91011211 443410	GG-C/E-CIVIL SVC-TRAINING			
				226700	10/22/18-CS	10/25/2018		USBANK10	29.95
	Invoice: 10/22/18-CS				POL/BLN MOVIE MAKER/SOFTWARE				
				29.95	51011211 53110000589	PD-COMM OUTREACH-SUPPLIES			
				226701	10/18/18-JS	10/25/2018		USBANK10	18.00
	Invoice: 10/18/18-JS				PCD/HANAZONO/LUNCH				
				18.00	61011584 443410	PCD - C/E ADM TRAINING			
				226702	10/19/18-SW	10/25/2018		USBANK10	240.07

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
	Invoice: 10/19/18-SW				226703	10/13/18-TZ	10/25/2018		USBANK10	6.00
					240.07	53011212 531100	POL/DANA SAFETY/TRUCK ORGANIZER PD-C/E-PATROL SUPPLIES			
	Invoice: 10/13/18-TZ				226704	10/04/18-TD	10/25/2018		USBANK10	47.93
					6.00	53011212 543100	POL/WSDOT/BRIDGE TOLL PATROL-TRAVEL/MEALS/LODGING			
	Invoice: 10/04/18-TD				226706	10/05/18-TD	10/25/2018		USBANK10	124.40
					47.93	91029179 531100	WELLNESS/AMAZON/WATER BOTTLES, CUTTING BOARD GG-SELF INS-WELLNESS-SUPPLIES			
	Invoice: 10/05/18-TD				226707	10/04/18-TD-A	10/25/2018		USBANK10	20.43
					124.40	21011125 531100	CRT/HOME DEPOT/LADDER COURT - SUPPLIES			
	Invoice: 10/04/18-TD-A				226708	10/04/18-TD-B	10/25/2018		USBANK10	83.76
					20.43	91029179 531100	WELLNESS/AMAZON/BOWLS GG-SELF INS-WELLNESS-SUPPLIES			
	Invoice: 10/04/18-TD-B				226709	10/15/18-TD	10/25/2018		USBANK10	10.00
					83.76	91029179 531100	WELLNESS/AMAZON/CHILI COOKOFF SUPPLIES GG-SELF INS-WELLNESS-SUPPLIES			
	Invoice: 10/15/18-TD				226710	09/21/18-KB-A	10/25/2018		USBANK10	105.42
					10.00	21011125 542500	CRT/USPS/STAMPS COURT-POSTAGE/SHIPPING			
	Invoice: 09/21/18-KB-A				226711	09/21/18-KB-B	10/25/2018		USBANK10	105.42
					105.42	91011211 443410	CS/HOLIDAY INN/LODING: CIVIL SERVCICE, DANIELS GG-C/E-CIVIL SVC-TRAINING			
	Invoice: 09/21/18-KB-B				226713	10/15/18-KB	10/25/2018		USBANK10	239.80
					105.42	91011211 443410	CS/HOLIDAY INN/LODING: CIVIL SERVCICE, BIRD GG-C/E-CIVIL SVC-TRAINING			
	Invoice: 10/15/18-KB				226714	09/26/18-SM	10/25/2018		USBANK10	184.16
					239.80	31011131 531100	EX/WEST ELM/TABLE EX-GF-SUPPLIES			
	Invoice: 09/26/18-SM				226715	09/26/18-SM-A	10/25/2018		USBANK10	549.00
					184.16	81011881 535500	IT/AMAZON/MS SURFACE COVER IT - C/E COMPUTER PARTS & EQ			
	Invoice: 09/26/18-SM-A				226716	09/27/18-SM	10/25/2018		USBANK10	85.00
					549.00	81011881 535500	IT/RAKUTEN/MS SURFACE GO IT - C/E COMPUTER PARTS & EQ			
	Invoice: 09/27/18-SM				226717	09/27/18-SM-A	10/25/2018		USBANK10	245.92
					85.00	81011881 443410	IT/WAURISA/GIS SEMINAR: GB IT - C/E TRAINING			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
Invoice: 09/27/18-SM-A					IT/FAIRFIELD INN/LODGING: GB				
				245.92	81011881 443410 IT - C/E TRAINING				
				226718	10/01/18-SM	10/25/2018	USBANK10		70.84
Invoice: 10/01/18-SM					IT/AMAZON/NETWORK SWITCH				
				70.84	81011881 535500 IT - C/E COMPUTER PARTS & EQ				
				226719	10/02/18-SM	10/25/2018	USBANK10		136.25
Invoice: 10/02/18-SM					IT/DIGITAL RIVER/CUBEXSOFT OUTLOOK EXPORT				
				136.25	81011881 535100 IT - C/E COMPUTER SOFTWARE				
				226720	10/04/18-SM	10/25/2018	USBANK10		137.33
Invoice: 10/04/18-SM					IT/AMAZON/MS DOCKING STATION				
				137.33	81011881 535500 IT - C/E COMPUTER PARTS & EQ				
				226721	10/04/18-SM-A	10/25/2018	USBANK10		28.33
Invoice: 10/04/18-SM-A					IT/AMAZON/LAPTOP SLEEVE				
				28.33	81011881 535500 IT - C/E COMPUTER PARTS & EQ				
				226722	10/08/18-SM	10/25/2018	USBANK10		160.93
Invoice: 10/08/18-SM					IT/AMAZON/UPS BATTERY REPLACEMENT				
				160.93	81011881 535500 IT - C/E COMPUTER PARTS & EQ				
				226723	10/18/18-SM	10/25/2018	USBANK10		19.00
Invoice: 10/18/18-SM					IT/ACUITY/CALENDAR SCHEDULING				
				19.00	81011881 548500 IT - C/E COMPUTER SUPPORT				
				226724	10/19/18-KJ	10/25/2018	USBANK10		36.95
Invoice: 10/19/18-KJ					EXCC/STARBUCKS/ORMCA				
				36.95	36011143 531100 CLERK-C/E SUPPLIES				
				226725	10/19/18-KJ-A	10/25/2018	USBANK10		3,030.50
Invoice: 10/19/18-KJ-A					EXCC/BI SELF STORAGE/UNIT 9008				
				3,030.50	36011143 545000 CLERK-RENTS				
				226726	10/19/18-KJ-B	10/25/2018	USBANK10		3,030.50
Invoice: 10/19/18-KJ-B					EXCC/BI SELF STORAGE/UNIT 9009				
				3,030.50	36011143 545000 CLERK-RENTS				
				226727	10/19/18-KJ-C	10/25/2018	USBANK10		108.46
Invoice: 10/19/18-KJ-C					EXCC/T&C/ORMCA				
				108.46	36011143 531100 CLERK-C/E SUPPLIES				
				226728	10/18/18-KJ	10/25/2018	USBANK10		29.46
Invoice: 10/18/18-KJ					EXCC/SAFEWAY/ORMCA				
				29.46	36011143 531100 CLERK-C/E SUPPLIES				
				226729	10/05/18-KJ	10/25/2018	USBANK10		8.75
Invoice: 10/05/18-KJ					EX/DINN BROS/NAMEPLATE: SMITH				
				8.75	31011131 531100 EX-GF-SUPPLIES				
				226730	10/03/18-KJ	10/25/2018	USBANK10		-150.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
Invoice: 10/03/18-KJ					EXCC/BIMPRD/DAMAGE DEPOSIT RETURN				
				-150.00	36011143 545000 CLERK-RENTS				
				226731	10/08/18-KS	10/25/2018		USBANK10	58.96
Invoice: 10/08/18-KS					EX/WALMART/HALLOWEEN CANDY				
				58.96	31011572 531100 EX-GF-OUTREACH-SUPPLIES				
				226732	10/02/18-DS	10/25/2018		USBANK10	1.00
Invoice: 10/02/18-DS					EX/CANVA/GRAPHIC DESIGN SOFTWARE				
				1.00	31011572 531100 EX-GF-OUTREACH-SUPPLIES				
				226733	09/28/18-KG	10/25/2018		USBANK10	19.16
Invoice: 09/28/18-KG					ENG/SHELTERLOGIC/ROD FOR CANOPY				
				19.16	72011325 531100 ENG - C/E FACIL SUPPLIES				
				226734	09/30/18-KG	10/25/2018		USBANK10	81.21
Invoice: 09/30/18-KG					ENG/AMAZON/ENG TAPE: AQ				
				81.21	72011322 531100 ENG - C/E PLANS SUPPLIES				
				226735	10/03/18-KG	10/25/2018		USBANK10	80.00
Invoice: 10/03/18-KG					ENG/BIA/BLDG IND ASSOC TRAINING				
				80.00	72011324 443410 ENG - C/E - TRAINING				
				226736	10/05/18-KG	10/25/2018		USBANK10	1,668.83
Invoice: 10/05/18-KG					ENG/ENVIROSCAPE/EDUCATION OUTREACH				
				1,668.83	72431832 53110000664 ST DOE SSWM-SUPPLIES				
				226737	10/09/18-KG	10/25/2018		USBANK10	25.00
Invoice: 10/09/18-KG					ENG/FOTF/HARVEST FAIR BOOTH				
				25.00	72011321 544000 ENG-C/E-ADM-ADVERTISING				
				226738	10/18/18-KG	10/25/2018		USBANK10	35.00
Invoice: 10/18/18-KG					ENG/ACT MRSC/WEBINAR CONTRACTS				
				35.00	71011321 443410 PW - C/E TRAINING				
				226739	10/19/18-KG	10/25/2018		USBANK10	2,309.15
Invoice: 10/19/18-KG					ENG/KUKER/MAGNETIC LOCATORS				
				2,309.15	72431832 53110000664 ST DOE SSWM-SUPPLIES				
				226740	10/19/18-KG-A	10/25/2018		USBANK10	1,454.18
Invoice: 10/19/18-KG-A					ENG/HACH/PORTABLE TURBIDIMETER				
				1,454.18	72431832 53110000664 ST DOE SSWM-SUPPLIES				
				226741	10/24/18-KG	10/25/2018		USBANK10	35.00
Invoice: 10/24/18-KG					ENG/ACT MRSC/PROJECTOR INSPECTION				
				17.50	72411341 443410 ENG - WATER TRAINING				
				17.50	72421351 443410 ENG - SEWER TRAINING				
				226742	10/24/18-KG-A	10/25/2018		USBANK10	159.00
Invoice: 10/24/18-KG-A					ENG/PMI/MEMBERSHIP: MUNTER				
				159.00	72011321 549100 ENG - C/E ADMIN MISCELLEANEOUS				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				226743	09/24/18-CK	10/25/2018		USBANK10	640.00
Invoice: 09/24/18-CK					PW/TCB INDUSTRIAL/TRAINING: DM				
				640.00	73111290 443410 O&M-STREET-MAINT O/H-TRAINING				
				226744	10/01/18-CK	10/25/2018		USBANK10	47.75
Invoice: 10/01/18-CK					PW/WA DOL/VEH 253 LIC				
				47.75	73424435 66400000906 2018-MED. DUTY SWR P/U				
				226745	10/01/18-CK-A	10/25/2018		USBANK10	2.00
Invoice: 10/01/18-CK-A					PW/WA DOL/VEH 253 LIC				
				2.00	73424435 66400000906 2018-MED. DUTY SWR P/U				
				226746	10/04/18-CK	10/25/2018		USBANK10	414.19
Invoice: 10/04/18-CK					PW/COSTCO/WATER				
				414.19	73637891 531100 OFFICE SUPPLIES				
				226748	10/03/18-CK	10/25/2018		USBANK10	224.78
Invoice: 10/03/18-CK					PW/QUALITY INN/WWI CLASS: PELETI				
				224.78	73421355 443410 WIN COLL-TRAINING				
				226749	10/04/18-CK-A	10/25/2018		USBANK10	189.29
Invoice: 10/04/18-CK-A					PW/AMAZON/NO SMOKING SIGNS				
				189.29	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
				226751	10/06/18-CK	10/25/2018		USBANK10	6,569.88
Invoice: 10/06/18-CK					PW/BARCO/BENCHES (8)				
				6,569.88	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
				226752	10/14/18-CK	10/25/2018		USBANK10	16.34
Invoice: 10/14/18-CK					PW/ADOBE/PRO SUBX				
				16.34	73411345 549100 DUES/SUBSCRIPTIONS				
				226753	10/19/18-CK	10/25/2018		USBANK10	300.00
Invoice: 10/19/18-CK					PW/GRCC/CEU WETRC CLASSES: OTTE				
				300.00	73425358 443410 O&M-WWTP-TRAINING				
				226979	10/24/18-CK	10/25/2018		USBANK10	252.48
Invoice: 10/24/18-CK					PW/COSTCO/STORM PANTRY SUPPL				
				252.48	73011256 53110000902 2018 STORM PREP-FAC GF-SUPPLY				
							CHECK 349065 TOTAL:		34,967.67

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 34,967.67

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	34,967.67

*** GRAND TOTAL *** 34,967.67

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 97									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			26,552.54	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				34,967.67
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			43.84	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			1,292.91	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			5,432.16	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			592.03	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			640.00	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			414.19	
11/13/2018	USBANK10	USBANK			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			34,967.67	34,967.67
APP 631-130000					DUE TO/FROM CLEARING			34,553.48	
11/13/2018	USBANK10	USBANK							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				26,552.54
11/13/2018	USBANK10	USBANK							
APP 401-130000					DUE TO/FROM CLEARING				43.84
11/13/2018	USBANK10	USBANK							
APP 407-130000					DUE TO/FROM CLEARING				1,292.91
11/13/2018	USBANK10	USBANK							
APP 403-130000					DUE TO/FROM CLEARING				5,432.16
11/13/2018	USBANK10	USBANK							
APP 402-130000					DUE TO/FROM CLEARING				592.03
11/13/2018	USBANK10	USBANK							
APP 101-130000					STREETS - DUE TO/FROM CLEARING				640.00
11/13/2018	USBANK10	USBANK							
					SYSTEM GENERATED ENTRIES TOTAL			34,553.48	34,553.48
					JOURNAL 2018/11/97 TOTAL			69,521.15	69,521.15

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	97	11/13/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		26,552.54
001-213000			GENERAL - ACCOUNTS PAYABLE	26,552.54	
			FUND TOTAL	26,552.54	26,552.54
101 STREET FUND	2018 11	97	11/13/2018		
101-130000			STREETS - DUE TO/FROM CLEARING		640.00
101-213000			STREETS - ACCOUNTS PAYABLE	640.00	
			FUND TOTAL	640.00	640.00
401 WATER OPERATING FUND	2018 11	97	11/13/2018		
401-130000			DUE TO/FROM CLEARING		43.84
401-213000			ACCOUNTS PAYABLE	43.84	
			FUND TOTAL	43.84	43.84
402 SEWER OPERATING FUND	2018 11	97	11/13/2018		
402-130000			DUE TO/FROM CLEARING		592.03
402-213000			ACCOUNTS PAYABLE	592.03	
			FUND TOTAL	592.03	592.03
403 STORM & SURFACE WATER FUND	2018 11	97	11/13/2018		
403-130000			DUE TO/FROM CLEARING		5,432.16
403-213000			ACCOUNTS PAYABLE	5,432.16	
			FUND TOTAL	5,432.16	5,432.16
407 BUILDING & DEVELOPMENT FUND	2018 11	97	11/13/2018		
407-130000			DUE TO/FROM CLEARING		1,292.91
407-213000			ACCOUNTS PAYABLE	1,292.91	
			FUND TOTAL	1,292.91	1,292.91
631 CLEARING FUND	2018 11	97	11/13/2018		
631-130000			DUE TO/FROM CLEARING	34,553.48	
631-213000			ACCOUNTS PAYABLE	414.19	
635-111100			CASH		34,967.67
			FUND TOTAL	34,967.67	34,967.67

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		26,552.54
101	STREET FUND		640.00
401	WATER OPERATING FUND		43.84
402	SEWER OPERATING FUND		592.03
403	STORM & SURFACE WATER FUND		5,432.16
407	BUILDING & DEVELOPMENT FUND		1,292.91
631	CLEARING FUND	34,553.48	
	TOTAL	34,553.48	34,553.48

** END OF REPORT - Generated by Carrie L. Christianson **

Manual
cc 11/13/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
349066	11/13/2018	PRTD	9026	ANN PEARL CATERING	226996	11/17/18	11/06/2018		M110918	448.64
Invoice: 11/17/18							CC/COUNCIL RETREAT CATERING			
					448.64	11011116 539100	COUNCIL-C/E-WORKED MEALS			
							CHECK 349066 TOTAL:			448.64
349067	11/13/2018	PRTD	47	BAINBRIDGE DISPOSAL	226994	0000806277	10/31/2018		M110918	257.98
Invoice: 0000806277							SEN CTR-COMMONS GARBAGE SVC			
					257.98	91011755 547900	GG-C/E-COMMONS-GARBAGE			
							CHECK 349067 TOTAL:			257.98
349068	11/13/2018	PRTD	551	CENTURYLINK	226997	0225NOV18	11/02/2018		M110918	104.07
Invoice: 0225NOV18							O&M FIRE ALARM MONIT			
					104.07	91011897 542100	GG-C/E-O&M YARD FAC-PHONE			
					226998	0456NOV18	11/02/2018		M110918	69.99
Invoice: 0456NOV18							VILLAGE SEWER PUMP TELEM.			
					69.99	91421891 542100	GG-SWR-FAC-PHONE			
					226999	0754NOV18	11/02/2018		M110918	72.94
Invoice: 0754NOV18							FLETCHER BAY WELL TELEM.			
					72.94	91411891 542100	GG-WTR-FAC-PHONE			
					227000	1745NOV18	11/02/2018		M110918	49.99
Invoice: 1745NOV18							C.H. ELEVATOR SVC LINE			
					49.99	91011189 542100	GG-C/E-CITY HALL-PHONE			
					227001	3736NOV18	11/02/2018		M110918	104.07
Invoice: 3736NOV18							C.H. FIRE ALARM MONIT			
					104.07	91011189 542100	GG-C/E-CITY HALL-PHONE			
					227002	5211NOV18	11/02/2018		M110918	188.11
Invoice: 5211NOV18							POL PHN SVCS			
					188.11	91011215 542100	GG-C/E-PD-PHONE			
					227003	8731NOV18	11/02/2018		M110918	47.57
Invoice: 8731NOV18							COMMONS FIRE ALARM MONIT			
					47.57	91011755 542100	GG-C/E-COMMONS-PHONE			
					227004	9136NOV18	11/02/2018		M110918	141.01
Invoice: 9136NOV18							C.H. SECURITY ALARM MONIT			
					141.01	91011189 542100	GG-C/E-CITY HALL-PHONE			
					227005	9791NOV18	11/02/2018		M110918	137.80
Invoice: 9791NOV18							POL T.I. MANDUS TELCOM			
					137.80	91011215 542100	GG-C/E-PD-PHONE			
					227006	9840NOV18	11/02/2018		M110918	50.35
Invoice: 9840NOV18							HEAD OF BAY WELL TELE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
				INVOICE DTL DESC						
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
					227007	9858NOV18	11/02/2018		M110918	50.35
				Invoice: 9858NOV18			SANDS AVE WELL TELEM.			
					50.35	91411891 542100	GG-WTR-FAC-PHONE			
							CHECK	349068 TOTAL:		1,016.25
349069	11/13/2018	PRTD	2495	CH2O INTERNATIONAL	226995	274080	10/08/2018		M110918	654.00
				Invoice: 274080			PW/HVAC REPAIR			
					654.00	73011183 54810000707	CH HVAC-REPAIRS			
							CHECK	349069 TOTAL:		654.00
349070	11/13/2018	PRTD	5035	COLUMBIA FORD	226993	3-K024	11/07/2018	21800044	M110918	49,001.14
				Invoice: 3-K024			2018 FORD F-250			
					49,001.14	73638594 66400000905	2018-MED. DUTY ONCALL PICKUP			
							CHECK	349070 TOTAL:		49,001.14
349071	11/13/2018	PRTD	9021	OPG NEW BROOKLYN LLC	226991	128049A	10/17/2018		M110918	27,040.26
				Invoice: 128049A			SUZUKI PROPERTY			
					27,040.26	31011593 54110000961	SUZUKI PROP DEV-PROF SVCS			
							CHECK	349071 TOTAL:		27,040.26

NUMBER OF CHECKS 6 *** CASH ACCOUNT TOTAL *** 78,418.27

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	6	78,418.27

*** GRAND TOTAL *** 78,418.27

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 98									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			29,173.50	
11/13/2018	M110918	111318			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				78,418.27
11/13/2018	M110918	111318			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			69.99	
11/13/2018	M110918	111318			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			173.64	
11/13/2018	M110918	111318			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			49,001.14	
11/13/2018	M110918	111318			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			78,418.27	78,418.27
APP 631-130000					DUE TO/FROM CLEARING			29,417.13	
11/13/2018	M110918	111318							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				29,173.50
11/13/2018	M110918	111318							
APP 402-130000					DUE TO/FROM CLEARING				69.99
11/13/2018	M110918	111318							
APP 401-130000					DUE TO/FROM CLEARING				173.64
11/13/2018	M110918	111318							
					SYSTEM GENERATED ENTRIES TOTAL			29,417.13	29,417.13
					JOURNAL 2018/11/98 TOTAL			107,835.40	107,835.40

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	98	11/13/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		29,173.50
001-213000			GENERAL - ACCOUNTS PAYABLE	29,173.50	
			FUND TOTAL	29,173.50	29,173.50
401 WATER OPERATING FUND	2018 11	98	11/13/2018		
401-130000			DUE TO/FROM CLEARING		173.64
401-213000			ACCOUNTS PAYABLE	173.64	
			FUND TOTAL	173.64	173.64
402 SEWER OPERATING FUND	2018 11	98	11/13/2018		
402-130000			DUE TO/FROM CLEARING		69.99
402-213000			ACCOUNTS PAYABLE	69.99	
			FUND TOTAL	69.99	69.99
631 CLEARING FUND	2018 11	98	11/13/2018		
631-130000			DUE TO/FROM CLEARING	29,417.13	
631-213000			ACCOUNTS PAYABLE	49,001.14	
635-111100			CASH		78,418.27
			FUND TOTAL	78,418.27	78,418.27

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		29,173.50
401	WATER OPERATING FUND		173.64
402	SEWER OPERATING FUND		69.99
631	CLEARING FUND	29,417.13	
	TOTAL	29,417.13	29,417.13

** END OF REPORT - Generated by Carrie L. Christianson **

Manual
cc 11/13/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
				INVOICE DTL DESC						
349072	11/13/2018	PRTD	333	KITSAP COUNTY AUDITO	227018	490 GROW REC FEE	11/08/2018		M111318	208.00
Invoice: 490 GROW REC FEE						ENG/RECORDING FEE, 490 GROW PL NW				
						208.00 72321952 66100000708 WYATT-MAD TO LOVELL-ROW ACQ				
								CHECK	349072 TOTAL:	208.00
349073	11/13/2018	PRTD	333	KITSAP COUNTY AUDITO	227012	180 OLYMPIC REC FEE	11/08/2018		M111318	104.00
Invoice: 180 OLYMPIC REC FEE						ENG/RECORDING FEE, 180 OLYMPIC DR				
						104.00 72334951 64500000596 SR305-OLYMPIC NM-TEMP ROW				
								CHECK	349073 TOTAL:	104.00
349074	11/13/2018	PRTD	333	KITSAP COUNTY AUDITO	227014	220 OLYMPIC REC FEE	11/08/2018		M111318	104.00
Invoice: 220 OLYMPIC REC FEE						ENG/RECORDING FEE, 220 OLYMPIC DR				
						104.00 72334951 64500000596 SR305-OLYMPIC NM-TEMP ROW				
								CHECK	349074 TOTAL:	104.00
349075	11/13/2018	PRTD	316	KC TREASURER	227017	490 GROW DEED FEE	11/08/2018		M111318	262.03
Invoice: 490 GROW DEED FEE						ENG/DEED FEE, 490 GROW PL NW				
						262.03 72321952 66100000708 WYATT-MAD TO LOVELL-ROW ACQ				
								CHECK	349075 TOTAL:	262.03
349076	11/13/2018	PRTD	9083	JOUNG HEE LEE & HONG	227009	180 OLYMPIC DR	11/08/2018		M111318	3,350.00
Invoice: 180 OLYMPIC DR						ENG/TEMP CONSTR EASEMENT				
						3,350.00 72334951 64500000596 SR305-OLYMPIC NM-TEMP ROW				
								CHECK	349076 TOTAL:	3,350.00
349077	11/13/2018	PRTD	9083	JOUNG HEE LEE & HONG	227011	20723/20743	11/08/2018		M111318	660.00
Invoice: 20723/20743						ENG/REIMB OF ATTORNEY FEES				
						660.00 72334951 64500000596 SR305-OLYMPIC NM-TEMP ROW				
								CHECK	349077 TOTAL:	660.00
349078	11/13/2018	PRTD	9082	OSTENSON & SWEAZEY,	227013	220 OLYMPIC DR	11/08/2018		M111318	6,770.00
Invoice: 220 OLYMPIC DR						ENG/TEMP CONSTR EASEMENT				
						6,770.00 72334951 64500000596 SR305-OLYMPIC NM-TEMP ROW				
								CHECK	349078 TOTAL:	6,770.00
349079	11/13/2018	PRTD	9081	SODIKOFF FAMILY TRUS	227019	490 GROW PL NW	11/08/2018		M111318	17,665.00
Invoice: 490 GROW PL NW						ENG/ROW, TEMP ESMT, LNDSCPNG, ATTNY'S FEES				
						14,440.00 72321952 66100000708 WYATT-MAD TO LOVELL-ROW ACQ				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				433.20	72321952 64500000708	WYATT-TEMP EASEMENTS			
				1,869.80	72321952 64940000708	WYATT-MAD TO LOVELL-SETTLEMENT			
				922.00	72321952 66100000708	WYATT-MAD TO LOVELL-ROW ACQ			
							CHECK 349079 TOTAL:		17,665.00
				NUMBER OF CHECKS 8			*** CASH ACCOUNT TOTAL ***		29,123.03

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	8	29,123.03

*** GRAND TOTAL *** 29,123.03

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL SRC ACCOUNT EFF DATE JNL DESC REF 1 REF 2 REF 3	ACCOUNT DESC LINE DESC	T OB	DEBIT	CREDIT
2018 11 117				
APP 301-213000	ACCOUNTS PAYABLE		29,123.03	
11/13/2018 M111318 111318	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH			29,123.03
11/13/2018 M111318 111318	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		29,123.03	29,123.03
APP 631-130000	DUE TO/FROM CLEARING		29,123.03	
11/13/2018 M111318 111318				
APP 301-130000	DUE TO/FROM CLEARING			29,123.03
11/13/2018 M111318 111318				
	SYSTEM GENERATED ENTRIES TOTAL		29,123.03	29,123.03
	JOURNAL 2018/11/117 TOTAL		58,246.06	58,246.06

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION		DEBIT	CREDIT
301 CAPITAL CONSTRUCTION FUND	2018 11	117	11/13/2018			
301-130000			DUE TO/FROM CLEARING			29,123.03
301-213000			ACCOUNTS PAYABLE		29,123.03	
				FUND TOTAL	29,123.03	29,123.03
631 CLEARING FUND	2018 11	117	11/13/2018			
631-130000			DUE TO/FROM CLEARING		29,123.03	
635-111100			CASH			29,123.03
				FUND TOTAL	29,123.03	29,123.03

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
301	CAPITAL CONSTRUCTION FUND		29,123.03
631	CLEARING FUND	29,123.03	
	TOTAL	29,123.03	29,123.03

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Manual
CE 11/16/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349080	11/16/2018	PRTD	2138 ASPECT CONSULTING LL	227047	31294	10/24/2018	21700004	M111418	622.50
Invoice: 31294					GROUNDWATER MGMT.				
				622.50	72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS			
						CHECK 349080 TOTAL:			622.50
349081	11/16/2018	PRTD	333 KITSAP COUNTY AUDITO	227059	OLYMPIC DR-REC FEE	11/15/2018		M111418	104.00
Invoice: OLYMPIC DR-REC FEE					PW/OLYMPIC DR REC FEE				
				104.00	72334951 64500000596	SR305-OLYMPIC NM-TEMP ROW			
						CHECK 349081 TOTAL:			104.00
349082	11/16/2018	PRTD	1205 PUGET SOUND ENERGY	227022	3319OCT18	11/06/2018		M111418	17.14
Invoice: 3319OCT18					PW/CASEY ST WATER METER				
				17.14	73416345 547100	CASEY STREET WTR-ELECTRICITY			
				227023	9932OCT18	11/06/2018		M111418	10.42
Invoice: 9932OCT18					184 WINSLOW WAY E				
				10.42	91011739 547100	COMM EVENTS-ELECTRICITY			
						CHECK 349082 TOTAL:			27.56
349083	11/16/2018	PRTD	9085 WAYNE & CATHERINE PU	227044	10/29/18	11/13/2018		M111418	872.00
Invoice: 10/29/18					ENG/FLETCHER BAY TREE REMOVAL				
				872.00	72334562 66300000800	C40-MILLER RD-CONSTR			
						CHECK 349083 TOTAL:			872.00
349084	11/16/2018	PRTD	6714 TOSHIBA FINANCIAL SE	227045	23659902	11/05/2018		M111418	273.60
Invoice: 23659902					PW/COPIER LEASE				
				273.60	73637891 545000	RENTS & LEASES - OPERATING			
						CHECK 349084 TOTAL:			273.60
349085	11/16/2018	PRTD	9072 TR SYSTEMS LLC	227046	24913	10/18/2018		M111418	799.95
Invoice: 24913					PW/SP05 AUTO ENGINUITY SOFTWARE				
				799.95	73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
						CHECK 349085 TOTAL:			799.95
349086	11/16/2018	PRTD	1485 VERIZON WIRELESS	227021	9817597827	11/01/2018		M111418	5,589.69
Invoice: 9817597827					OCT18 CITYWIDE CELL PHN SVC				
				5,589.69	91011189 542100	GG-C/E-CITY HALL-PHONE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK	349086 TOTAL:		5,589.69
349087	11/16/2018	PRTD	9086	WINSLOW MARINE LLC	227058	OLYMPIC DR	11/15/2018	M111418		4,870.00
Invoice: OLYMPIC DR						PW/TEMP EASEMENT OLYMPIC DR				
					4,870.00	72334951 64500000596	SR305-OLYMPIC NM-TEMP ROW			
							CHECK	349087 TOTAL:		4,870.00
						NUMBER OF CHECKS 8	*** CASH ACCOUNT TOTAL ***			13,159.30

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	8	13,159.30

*** GRAND TOTAL *** 13,159.30

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE / JNL DESC / REF 1 / REF 2 / REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 133					
APP 631-213000	ACCOUNTS PAYABLE			1,696.05	
11/16/2018 M111418 111418	AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100	CASH				13,159.30
11/16/2018 M111418 111418	AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000	ACCOUNTS PAYABLE			5,846.00	
11/16/2018 M111418 111418	AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000	ACCOUNTS PAYABLE			17.14	
11/16/2018 M111418 111418	AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000	GENERAL - ACCOUNTS PAYABLE			5,600.11	
11/16/2018 M111418 111418	AP CASH DISBURSEMENTS JOURNAL				
	GENERAL LEDGER TOTAL			13,159.30	13,159.30
APP 631-130000	DUE TO/FROM CLEARING			11,463.25	
11/16/2018 M111418 111418					
APP 301-130000	DUE TO/FROM CLEARING				5,846.00
11/16/2018 M111418 111418					
APP 401-130000	DUE TO/FROM CLEARING				17.14
11/16/2018 M111418 111418					
APP 001-130000	GENERAL - DUE TO/FROM CLEARING				5,600.11
11/16/2018 M111418 111418					
	SYSTEM GENERATED ENTRIES TOTAL			11,463.25	11,463.25
	JOURNAL 2018/11/133 TOTAL			24,622.55	24,622.55

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	133	11/16/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		5,600.11
001-213000			GENERAL - ACCOUNTS PAYABLE	5,600.11	
			FUND TOTAL	5,600.11	5,600.11
301 CAPITAL CONSTRUCTION FUND	2018 11	133	11/16/2018		
301-130000			DUE TO/FROM CLEARING		5,846.00
301-213000			ACCOUNTS PAYABLE	5,846.00	
			FUND TOTAL	5,846.00	5,846.00
401 WATER OPERATING FUND	2018 11	133	11/16/2018		
401-130000			DUE TO/FROM CLEARING		17.14
401-213000			ACCOUNTS PAYABLE	17.14	
			FUND TOTAL	17.14	17.14
631 CLEARING FUND	2018 11	133	11/16/2018		
631-130000			DUE TO/FROM CLEARING	11,463.25	
631-213000			ACCOUNTS PAYABLE	1,696.05	
635-111100			CASH		13,159.30
			FUND TOTAL	13,159.30	13,159.30

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		5,600.11
301	CAPITAL CONSTRUCTION FUND		5,846.00
401	WATER OPERATING FUND		17.14
631	CLEARING FUND	11,463.25	
	TOTAL	11,463.25	11,463.25

** END OF REPORT - Generated by Carrie L. Christianson **

Manual
cc 11/20/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349089	11/20/2018	PRTD	102	CITY OF BAINBRIDGE I	227080	RETREQFINAL-235	11/06/2018	21800091	M111918	8,480.51
Invoice: RETREQFINAL-235						2018 ROAD STRIPING-RET				
						8,480.51 73111264 54810000235 ROAD STRIPING-CONTRACT WORK				
								CHECK	349089 TOTAL:	8,480.51
349090	11/20/2018	PRTD	8219	NORTH KITSAP TOURISM	227081	150	10/26/2018		M111918	4,500.00
Invoice: 150						Q2 2018 LTAC: MARKET PLAN & EVENT				
						4,500.00 91140573 541100 GG-TOUR-PROF SERVICES				
								CHECK	349090 TOTAL:	4,500.00
349091	11/20/2018	PRTD	9084	SEABOLD CONSULTING,	227110	1811	11/19/2018		M111918	1,000.00
Invoice: 1811						CC/COUNCIL RETREAT				
						1,000.00 11011116 541100 COUNCIL - PROF SERVICES				
								CHECK	349091 TOTAL:	1,000.00
349092	11/20/2018	PRTD	585	STRIPE RITE	227078	PAYREQFINAL-235	11/06/2018	21800090	M111918	161,129.62
Invoice: PAYREQFINAL-235						2018 ROAD STRIPING				
						161,129.62 73111264 54810000235 ROAD STRIPING-CONTRACT WORK				
								CHECK	349092 TOTAL:	161,129.62

NUMBER OF CHECKS 4 *** CASH ACCOUNT TOTAL *** 175,110.13

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	4	175,110.13

*** GRAND TOTAL *** 175,110.13

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 249									
APP 101-213000					STREETS - ACCOUNTS PAYABLE			169,610.13	
11/20/2018	M111918	112018			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				175,110.13
11/20/2018	M111918	112018			AP CASH DISBURSEMENTS JOURNAL				
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE			4,500.00	
11/20/2018	M111918	112018			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			1,000.00	
11/20/2018	M111918	112018			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			175,110.13	175,110.13
APP 631-130000					DUE TO/FROM CLEARING			175,110.13	
11/20/2018	M111918	112018			STREETS - DUE TO/FROM CLEARING				169,610.13
APP 101-130000					CIVIC IMPR DUE TO/FROM CLEAR'G				4,500.00
11/20/2018	M111918	112018			GENERAL - DUE TO/FROM CLEARING				1,000.00
APP 104-130000									
11/20/2018	M111918	112018							
APP 001-130000									
11/20/2018	M111918	112018							
					SYSTEM GENERATED ENTRIES TOTAL			175,110.13	175,110.13
					JOURNAL 2018/11/249 TOTAL			350,220.26	350,220.26

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	249	11/20/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		1,000.00
001-213000			GENERAL - ACCOUNTS PAYABLE	1,000.00	
			FUND TOTAL	1,000.00	1,000.00
101 STREET FUND	2018 11	249	11/20/2018		
101-130000			STREETS - DUE TO/FROM CLEARING		169,610.13
101-213000			STREETS - ACCOUNTS PAYABLE	169,610.13	
			FUND TOTAL	169,610.13	169,610.13
104 CIVIC IMPROVEMENT FUND	2018 11	249	11/20/2018		
104-130000			CIVIC IMPR DUE TO/FROM CLEAR'G		4,500.00
104-213000			CIVIC IMPR - ACCOUNTS PAYABLE	4,500.00	
			FUND TOTAL	4,500.00	4,500.00
631 CLEARING FUND	2018 11	249	11/20/2018		
631-130000			DUE TO/FROM CLEARING	175,110.13	
635-111100			CASH		175,110.13
			FUND TOTAL	175,110.13	175,110.13

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		1,000.00
101	STREET FUND		169,610.13
104	CIVIC IMPROVEMENT FUND		4,500.00
631	CLEARING FUND	175,110.13	
	TOTAL	175,110.13	175,110.13

** END OF REPORT - Generated by Carrie L. Christianson **

Manual
CC 11/21/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349093	11/21/2018	PRTD	2265	BAINBRIDGE ISLAND LO	227240	COBI 0020-0021	11/20/2018	M112118		21,569.59
Invoice: COBI 0020-0021						Q2-Q3 2018 LTAC: DESTINATION BAINBRI				
					21,569.59	91140573 541100 GG-TOUR-PROF SERVICES				
								CHECK 349093 TOTAL:		21,569.59
349094	11/21/2018	PRTD	9066	NORTHWEST PERMIT INC	226423	BLD23403	10/16/2018	M112118		103.75
Invoice: BLD23403						PCD/BLD23403 FEE REFUND (CANCELLED)				
					103.75	47148 322100 BUILDINGS, STRUCT. & EQ				
								CHECK 349094 TOTAL:		103.75
						NUMBER OF CHECKS 2		*** CASH ACCOUNT TOTAL ***		21,673.34

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	2	21,673.34

*** GRAND TOTAL *** 21,673.34

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 284									
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE			21,569.59	
11/21/2018	M112118	112118			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				21,673.34
11/21/2018	M112118	112118			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			103.75	
11/21/2018	M112118	112118			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			21,673.34	21,673.34
APP 631-130000					DUE TO/FROM CLEARING			21,673.34	
11/21/2018	M112118	112118							
APP 104-130000					CIVIC IMPR DUE TO/FROM CLEAR'G				21,569.59
11/21/2018	M112118	112118							
APP 407-130000					DUE TO/FROM CLEARING				103.75
11/21/2018	M112118	112118							
					SYSTEM GENERATED ENTRIES TOTAL			21,673.34	21,673.34
					JOURNAL 2018/11/284 TOTAL			43,346.68	43,346.68

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
104 CIVIC IMPROVEMENT FUND	2018 11	284	11/21/2018		
104-130000			CIVIC IMPR DUE TO/FROM CLEAR'G		21,569.59
104-213000			CIVIC IMPR - ACCOUNTS PAYABLE	21,569.59	
			FUND TOTAL	21,569.59	21,569.59
407 BUILDING & DEVELOPMENT FUND	2018 11	284	11/21/2018		
407-130000			DUE TO/FROM CLEARING		103.75
407-213000			ACCOUNTS PAYABLE	103.75	
			FUND TOTAL	103.75	103.75
631 CLEARING FUND	2018 11	284	11/21/2018		
631-130000			DUE TO/FROM CLEARING	21,673.34	
635-111100			CASH		21,673.34
			FUND TOTAL	21,673.34	21,673.34

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
104	CIVIC IMPROVEMENT FUND		21,569.59
407	BUILDING & DEVELOPMENT FUND		103.75
631	CLEARING FUND	21,673.34	
	TOTAL	21,673.34	21,673.34

** END OF REPORT - Generated by Carrie L. Christianson **

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349095	11/28/2018	PRTD	5 ACE HARDWARE	227024	42150/1	11/05/2018		11/25/18	19.55
Invoice: 42150/1					PW/RUBBING ALCOHOL				
				19.55	73411345 531100 OFFICE SUPPLIES				
				227025	42151/1	11/05/2018		11/25/18	21.79
Invoice: 42151/1					WELLNESS/RED FOOD DONATION CAN				
				21.79	91029179 531100 GG-SELF INS-WELLNESS-SUPPLIES				
				227026	42152/1	11/05/2018		11/25/18	60.99
Invoice: 42152/1					PW/DOOR HOLDS, BATTERIES, LIGHT BULBS				
				60.99	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
				227027	42142/1	11/02/2018		11/25/18	10.88
Invoice: 42142/1					PW/BRUSH WHEELS				
				10.88	73411345 531100 OFFICE SUPPLIES				
				227028	41794/1	09/21/2018		11/25/18	33.75
Invoice: 41794/1					PW/PUMP STATION SUPPLIES				
				33.75	73423943 63110000782 VILLAGE PUMP STATION-SUPPLIES				
				227089	42265/1	11/18/2018		11/25/18	19.61
Invoice: 42265/1					PW/PADLOCK				
				19.61	73011768 531100 O&M-C/E-PARKS-SUPPLIES				
				227090	42210/1	11/13/2018		11/25/18	20.70
Invoice: 42210/1					PW/HAMMER				
				20.70	73111256 53110000902 2018 STORM PREP-STRT-SUPPLY				
				227091	42219/1	11/14/2018		11/25/18	42.49
Invoice: 42219/1					PW/RAKES				
				42.49	73111427 531100 OFFICE SUPPLIES				
				227092	42218/1	11/14/2018		11/25/18	14.68
Invoice: 42218/1					PW/ELECTRICAL SUPPLIES				
				14.68	73421355 531100 WIN COLL-SUPPLIES				
				227093	42195/1	11/09/2018		11/25/18	73.01
Invoice: 42195/1					PW/HANDLE, POSTHOLE DIGGER				
				73.01	73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY				
				227094	42176/1	11/07/2018		11/25/18	66.23
Invoice: 42176/1					PW/WIRE BRUSH, CUP WIRE, BRISTLE BRUSH				
				66.23	73011897 531100 O&M-C/E-PWY FAC-SUPPLIES				
				227095	42161/1	11/06/2018		11/25/18	9.80
Invoice: 42161/1					PW/FILTERS				
				9.80	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
							CHECK 349095 TOTAL:		393.48

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349096	11/28/2018	PRTD	863	INTERSTATE BATTERIES	227029	22055055	11/01/2018		11/25/18	134.02
Invoice: 22055055							PW/BATTERY FOR 205			
						67.01 73111423 531100	OFFICE SUPPLIES			
						67.01 73111427 531100	OFFICE SUPPLIES			
					227210	22055266	11/15/2018		11/25/18	264.76
Invoice: 22055266							POL/BATTERIES FOR 191, 116			
						134.02 53011212 531100	PD-C/E-PATROL SUPPLIES			
						130.74 53011212 531100	PD-C/E-PATROL SUPPLIES			
							CHECK	349096 TOTAL:		398.78
349097	11/28/2018	PRTD	7994	PENINSULA SERVICES	227082	87308	10/31/2018		11/25/18	32.00
Invoice: 87308							CRT/MOBILE SHREDDING SVCS			
						32.00 21011125 541100	COURT - PROFESSIONAL SERVICES			
					227083	87309	10/31/2018	21800008	11/25/18	64.00
Invoice: 87309							POL/MOBILE SHREDDING			
						64.00 51011211 541100	PD-C/E-ADM-PROF SVCS			
							CHECK	349097 TOTAL:		96.00
349098	11/28/2018	PRTD	8991	ALLIANCE 2020, INC	227109	565499	10/31/2018		11/25/18	64.27
Invoice: 565499							HR/BACKGROUND CHECKS			
						64.27 33011161 541100	HR-C/E-PROF SVCS			
							CHECK	349098 TOTAL:		64.27
349099	11/28/2018	PRTD	8014	ALSTON, COURTNAGE &	227084	116658	10/31/2018		11/25/18	1,064.00
Invoice: 116658							ENG/PROF SVCS: HARRISON BLDG			
						1,064.00 72311942 64110000724	PD/COURT BLDG-PROF SVCS/DESIGN			
							CHECK	349099 TOTAL:		1,064.00
349100	11/28/2018	PRTD	4739	AMERICAN LEGION - CO	227086	181201	11/20/2018		11/25/18	90.00
Invoice: 181201							EX/DEC18 RENT			
						90.00 31011256 54500000830	EMERG AM RADIO STATION-RENTS			
							CHECK	349100 TOTAL:		90.00
349101	11/28/2018	PRTD	7166	AMERICAN MESSAGING	227030	W4104492SK	11/01/2018		11/25/18	85.25
Invoice: W4104492SK							PW/MESSAGING SERVICE			
						85.25 73637891 542100	O&M - ALLOC FACIL TELEPHONE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	349101 TOTAL:		85.25
349102	11/28/2018	PRTD	4710 ASSOCIATED PETROLEU	227096	1338818-IN	11/13/2018		11/25/18	590.78
	Invoice: 1338818-IN				PW/426.6 GAL PROPANE				
					590.78 91011897 547200 GG-C/E-O&M YARD FAC-PROPANE				
				227097	1334726-IN	11/08/2018		11/25/18	965.11
	Invoice: 1334726-IN				PW/310 GAL DIESEL				
					965.11 73638893 532000 O&M-FUEL USE-ALLOCATION				
				227098	1334727-IN	11/08/2018		11/25/18	530.89
	Invoice: 1334727-IN				PW/200 GAL UNLEADED				
					530.89 73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227099	1334350-IN	11/06/2018		11/25/18	218.23
	Invoice: 1334350-IN				PW/48 GAL DIESEL				
					218.23 73638893 532000 O&M-FUEL USE-ALLOCATION				
				227100	1334351-IN	11/06/2018		11/25/18	1,001.44
	Invoice: 1334351-IN				PW/368.1 GAL UNLEADED				
					1,001.44 73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227101	1331180-IN	11/01/2018		11/25/18	617.96
	Invoice: 1331180-IN				PW/184.1 GAL DIESEL				
					617.96 73638893 532000 O&M-FUEL USE-ALLOCATION				
				227102	1331181-IN	11/01/2018		11/25/18	1,052.88
	Invoice: 1331181-IN				PW/370 GAL UNLEADED				
					1,052.88 73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227103	1330820-IN	10/30/2018		11/25/18	1,063.34
	Invoice: 1330820-IN				PW/338.5 GAL UNLEADED				
					1,063.34 73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227105	1328772-IN	10/25/2018		11/25/18	1,023.13
	Invoice: 1328772-IN				PW/355 GAL UNLEADED				
					1,023.13 73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227106	1328769-IN	10/25/2018		11/25/18	713.32
	Invoice: 1328769-IN				PW/216 GAL DIESEL				
					713.32 73638893 532000 O&M-FUEL USE-ALLOCATION				
						CHECK	349102 TOTAL:		7,777.08
349103	11/28/2018	PRTD	1513 AMERICAN PUBLIC WORK	227087	636969-2019	11/07/2018		11/25/18	123.00
	Invoice: 636969-2019				ENG/2019 MEMBERSHIP RENEWAL: BL				
					123.00 72011321 549100 ENG - C/E ADMIN MISCELLEANEOUS				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
							CHECK 349103 TOTAL:			123.00
349104	11/28/2018	PRTD	7821	AUS WEST LOCKBOX	227107	1990982374	11/15/2018		11/25/18	58.40
Invoice: 1990982374							PW/LAUNDRY SERVICE			
					58.40	73638893 589310	LAUNDRY SERVICES			
					227108	1990972170	11/08/2018		11/25/18	57.52
Invoice: 1990972170							PW/LAUNDRY SERVICE			
					57.52	73638893 589310	LAUNDRY SERVICES			
							CHECK 349104 TOTAL:			115.92
349105	11/28/2018	PRTD	2138	ASPECT CONSULTING LL	227033	31293	10/24/2018	21800016	11/25/18	300.00
Invoice: 31293							IDDE DB MGMT PSA			
					300.00	72431832 54110000876	IDDE DB MNGT-PROF SVCS			
							CHECK 349105 TOTAL:			300.00
349106	11/28/2018	PRTD	1235	AT&T ONENET SERVICE	227034	1269053408	11/01/2018		11/25/18	18.31
Invoice: 1269053408							FIN/FAX LONG DIST NOV18			
					18.31	91011189 542100	GG-C/E-CITY HALL-PHONE			
					227035	1269062035	11/01/2018		11/25/18	.64
Invoice: 1269062035							PCD/FAX LONG DIST NOV18			
					.64	91011189 542100	GG-C/E-CITY HALL-PHONE			
							CHECK 349106 TOTAL:			18.95
349107	11/28/2018	PRTD	9089	BAINBRIDGE CONDO ASS	227111	10/19/18	11/19/2018		11/25/18	150.00
Invoice: 10/19/18							FIN/DAMAGE DEPOSIT RETURN			
					150.00	41625860 586000	SC/COMMONS ROOM DEP-DISBURSEME			
							CHECK 349107 TOTAL:			150.00
349108	11/28/2018	PRTD	54	BAINBRIDGE RENTAL IN	227036	CON#41379	10/24/2018		11/25/18	294.40
Invoice: CON#41379							PW/JUMPING JACK COMPACTOR			
					254.08	73431835 545000	RENTS & LEASES - OPERATING			
					40.32	73431835 531100	OFFICE SUPPLIES			
					227112	CON#41867	11/07/2018		11/25/18	114.44
Invoice: CON#41867							PW/LOPPER			
					114.44	73111427 531100	OFFICE SUPPLIES			
							CHECK 349108 TOTAL:			408.84

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349109	11/28/2018	PRTD	55 SOUND PUBLISHING, IN	227113	7879235	10/31/2018		11/25/18	53.50
Invoice: 7879235						POL/CASSIFIEDS: PROPERTY			
				53.50	51011191 544000	PD-C/E-PROP RM-ADVERTISING			
						CHECK 349109 TOTAL:			53.50
349110	11/28/2018	PRTD	55 SOUND PUBLISHING, IN	227037	7879203-2235095	10/31/2018		11/25/18	252.25
Invoice: 7879203-2235095						PCD/PUB COMMENT: SMP			
				252.25	61011581 544000	PCD - C/E ADMIN ADVERTISING			
						CHECK 349110 TOTAL:			252.25
349111	11/28/2018	PRTD	55 SOUND PUBLISHING, IN	227038	BIR832382	11/02/2018		11/25/18	77.92
Invoice: BIR832382						CC/ORD 2018-40			
				77.92	11011113 544000	COUNCIL - LEGAL NOTICES			
				227039	BIR832377	11/02/2018		11/25/18	50.76
Invoice: BIR832377						CC/ORD 2018-39			
				50.76	11011113 544000	COUNCIL - LEGAL NOTICES			
				227114	BIR833464	11/09/2018		11/25/18	232.57
Invoice: BIR833464						PCD/,DNS 23551			
				232.57	63470586 544000	CUR-DEV-ZONING-ADV			
						CHECK 349111 TOTAL:			361.25
349112	11/28/2018	PRTD	7179 BAINBRIDGE YOUTH SER	227116	Q3 2018	10/15/2018		11/25/18	13,375.00
Invoice: Q3 2018						Q3 2018 OPERATING SUPPORT			
				13,375.00	31017526 54110000297	EX-BYS-YOUTH COUNS & JOB OPP			
						CHECK 349112 TOTAL:			13,375.00
349113	11/28/2018	PRTD	8939 BATTLE POINT ASTRONO	227117	3	10/01/2018		11/25/18	1,703.55
Invoice: 3						Q3 CULTURAL FUNDING: ARTISAN ASTR			
				1,703.55	31011732 541100	EX-GF-CULTURAL ARTS & SCIENCES			
						CHECK 349113 TOTAL:			1,703.55
349114	11/28/2018	PRTD	57 BAY HAY & FEED	227040	1374895	11/01/2018		11/25/18	18.49
Invoice: 1374895						PW/PROPANE FOR FORKLIFT			
				18.49	73011897 531100	O&M-C/E-PWY FAC-SUPPLIES			
						CHECK 349114 TOTAL:			18.49

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349115	11/28/2018	PRTD	7769	BERK & ASSOCIATES, I	227118	10284-10-18	11/06/2018		11/25/18	300.00
Invoice: 10284-10-18							OCT 2018 CODE CONSISTENCY REVIEW			
					300.00	31011131 541100	EX-GF-PROF SERVICES			
							CHECK	349115 TOTAL:		300.00
349116	11/28/2018	PRTD	7178	BAINBRIDGE ISL CHILD	227241	Q3 2018	10/18/2018		11/25/18	5,990.40
Invoice: Q3 2018							Q3 2018 PROGRAM SUPPORT			
					5,990.40	31017540 54110000297	EX-BI CHILD CARE/B&G CLUB			
							CHECK	349116 TOTAL:		5,990.40
349117	11/28/2018	PRTD	50	BAINBRIDGE ISLAND EL	227211	20180117	11/09/2018		11/25/18	495.95
Invoice: 20180117							PW/TROUBLESHOOT LIGHT CIRCUIT			
					495.95	73011183 548100	O&M-C/E-CH FAC-REPAIRS			
					227212	20180118	11/09/2018		11/25/18	2,051.37
Invoice: 20180118							PW/RECONNECT POLE LIGHTS			
					2,051.37	73011768 548100	O&M-C/E-PARKS-R&M			
					227213	20180133	11/16/2018		11/25/18	168.84
Invoice: 20180133							PW/REPLACED PHOTOCELL			
					168.84	73111290 548100	O&M-STREET-MAINT O/H-R&M			
							CHECK	349117 TOTAL:		2,716.16
349118	11/28/2018	PRTD	971	BAINBRIDGE ISLAND HI	227119	877	09/05/2018		11/25/18	5,195.34
Invoice: 877							CULTURAL FUNDING - YAMA EXHIBI			
					5,195.34	31011732 541100	EX-GF-CULTURAL ARTS & SCIENCES			
							CHECK	349118 TOTAL:		5,195.34
349119	11/28/2018	PRTD	9078	MICHELLE HUTCHINS	227041	11/03/18	11/03/2018		11/25/18	150.00
Invoice: 11/03/18							FIN/DAMAGE DEPOSIT			
					150.00	41625860 586000	SC/COMMONS ROOM DEP-DISBURSEME			
							CHECK	349119 TOTAL:		150.00
349120	11/28/2018	PRTD	5490	BAINBRIDGE ISLAND ME	227049	2727	10/30/2018		11/25/18	500.00
Invoice: 2727							EX/WINTER WONDERLAND SPONSORSHIP			
					500.00	31011572 542450	EX-GF-OUTREACH-ADV			
							CHECK	349120 TOTAL:		500.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
349121	11/28/2018	PRTD	1341	BLUE SKY PRINTING	227120	128434	11/07/2018		11/25/18	154.64
Invoice: 128434							POL/BUS CARDS, NOTE PADS			
					154.64	51011211 531100	PD-C/E-ADM-SUPPLIES			
							CHECK	349121 TOTAL:		154.64
349122	11/28/2018	PRTD	4751	BLUEBEAM SOFTWARE IN	227214	1207777	11/20/2018		11/25/18	1,297.10
Invoice: 1207777							IT/CAD PDF SOFTWARE ANNUAL MAINT			
					1,297.10	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK	349122 TOTAL:		1,297.10
349123	11/28/2018	PRTD	4901	BRABER EQUIPMENT	227215	331566	11/08/2018		11/25/18	126.28
Invoice: 331566							PW/BRUSH AXE BLADE #225			
					126.28	73637958 531100	ROADSIDE MOWER ALLOC-SUPPLIES			
							CHECK	349123 TOTAL:		126.28
349124	11/28/2018	PRTD	853	KATHRYN M CARRUTHERS	227121	11/09/18	11/09/2018		11/25/18	90.00
Invoice: 11/09/18							CRT/1.5 HRS PRO TEMP			
					90.00	21011125 541210	COURT - JUDGE PRO TEMPORE SVCS			
							CHECK	349124 TOTAL:		90.00
349125	11/28/2018	PRTD	551	CENTURYLINK	227122	5996NOV18	11/07/2018		11/25/18	80.29
Invoice: 5996NOV18							E-PHONE @ WFP DOCK			
					80.29	91011757 542100	GG-GF-WFP DOCK-PHONE			
							CHECK	349125 TOTAL:		80.29
349126	11/28/2018	PRTD	5109	CESSCO INC	227050	404535	10/26/2018		11/25/18	438.58
Invoice: 404535							PW/SMALL EQUIPMENT			
					438.58	73011483 531100	O&M-GF-MECH SHOP-SUPPLIES			
							CHECK	349126 TOTAL:		438.58
349127	11/28/2018	PRTD	8253	CHS NORTHWEST	227051	29295/H	11/06/2018		11/25/18	912.24
Invoice: 29295/H							PW/49# BAGS OF SALT (98)			
					912.24	73637892 531100	O&M-ALLOC-WTR-CONSUMABLES			
							CHECK	349127 TOTAL:		912.24

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349128	11/28/2018	PRTD	8491	CHUCKALS, INC.	227052	968075-0	11/05/2018		11/25/18	123.84
	Invoice: 968075-0						CRT/TONER			
					123.84	21011125 531100	COURT - SUPPLIES			
								CHECK 349128 TOTAL:		123.84
349129	11/28/2018	PRTD	634	CITY OF BAINBRIDGE I	227068	PLN51070 REFUND	11/14/2018		11/25/18	508.67
	Invoice: PLN51070 REFUND						PCD/PERMIT REFUND: NOT REQUIRED			
					508.67	47047 345890	OTHER PLANNING/DEVELOPM			
								CHECK 349129 TOTAL:		508.67
349130	11/28/2018	PRTD	2624	COASTAL GEOLOGIC SER	227053	18-146	11/06/2018		11/25/18	12,808.26
	Invoice: 18-146						MANITOU PARK BLVD SHORELINE ST			
					12,808.26	72111421 54110000952	MANITOU PARK RD-DESIGN/ENG			
								CHECK 349130 TOTAL:		12,808.26
349131	11/28/2018	PRTD	112	CODE PUBLISHING COMP	227054	61586	10/30/2018		11/25/18	4,196.63
	Invoice: 61586						EXCC/MUNI CODE WEB UPDATE			
					4,196.63	36011143 541100	CLERK-C/E-PROF SVCS			
								CHECK 349131 TOTAL:		4,196.63
349132	11/28/2018	PRTD	8564	WILLIAM E COOPER	227123	11-18	11/07/2018		11/25/18	134.00
	Invoice: 11-18						LEOFF1 REIMB NOV 18			
					134.00	91029211 521500	POLICE - INS ADD MEDICAL COSTS			
								CHECK 349132 TOTAL:		134.00
349133	11/28/2018	PRTD	6363	LN CURTIS & SONS	227124	INV209928	08/20/2018		11/25/18	119.79
	Invoice: INV209928						POL/UNIFORM PANTS: KOON			
					119.79	53011212 520000	POLICE - C/E PATROL BENEFITS			
					227125	INV229337	10/30/2018		11/25/18	143.50
	Invoice: INV229337						POL/UNIFORM PANTS: DAY			
					143.50	53011212 520000	POLICE - C/E PATROL BENEFITS			
								CHECK 349133 TOTAL:		263.29
349134	11/28/2018	PRTD	7016	CUSTOM PRINTING	227069	8102	10/30/2018		11/25/18	67.85
	Invoice: 8102						EX/BUS CARDS: ES			
					67.85	31011131 531100	EX-GF-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK	349134 TOTAL:		67.85
349135	11/28/2018	PRTD	2219	DELL MARKETING LP	227126	10276136135	11/05/2018		11/25/18	3,425.46
Invoice: 10276136135							IT/DESKTOP COMPUTER REPL.(3)			
					3,425.46	81011881 535500	IT - C/E COMPUTER PARTS & EQ			
							CHECK	349135 TOTAL:		3,425.46
349136	11/28/2018	PRTD	4192	DMCMA	227242	2019-TD	11/14/2018		11/25/18	150.00
Invoice: 2019-TD							CRT/2019 MEMBERSHIP: TELMA DE GROEN			
					150.00	21011125 549100	COURT-DUES/SUBSCR/MEMBERSHIPS			
							CHECK	349136 TOTAL:		150.00
349137	11/28/2018	PRTD	8816	ECOANALYSTS, INC.	227055	01678	11/01/2018		11/25/18	900.00
Invoice: 01678							PW/4Q WWTP NPDES TESTING			
					900.00	73425358 54110000391	LAB & TESTING SVCS-WWTP			
							CHECK	349137 TOTAL:		900.00
349138	11/28/2018	PRTD	8996	EDINGER ASSOCIATES P	227070	5521	11/13/2018		11/25/18	850.00
Invoice: 5521							LEGAL/PROF SVCS: FCC MATTERS			
					850.00	32011152 541110	LGL-GF-LEGAL ADVICE			
							CHECK	349138 TOTAL:		850.00
349139	11/28/2018	PRTD	6940	FREMONT ANALYTICAL	227127	1811084	11/13/2018	21800036	11/25/18	480.00
Invoice: 1811084							CHEM & BIO ASSAY SVCS			
					480.00	72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS			
					227128	1811085	11/13/2018	21800037	11/25/18	42.50
Invoice: 1811085							CHEM & BIO ASSAY SVCS			
					42.50	72011322 54110000485	GROUNDWTR MNGT PRGM-PROF SVCS			
							CHECK	349139 TOTAL:		522.50
349140	11/28/2018	PRTD	513	GRAINGER	227056	9956179957	11/05/2018		11/25/18	111.20
Invoice: 9956179957							PW/RUBBER ENTRANCE MAT			
					111.20	73411345 531100	OFFICE SUPPLIES			
					227129	9958957574	11/07/2018		11/25/18	181.40
Invoice: 9958957574							PW/BLOWERS (2)			
					181.40	73421355 531100	WIN COLL-SUPPLIES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK	349140 TOTAL:	292.60
349141	11/28/2018	PRTD	252	H.D. FOWLER COMPANY	227060	I5002159	10/30/2018		11/25/18	82.15
Invoice: I5002159							PW/QCV VALVE KEY, VALVE BOX			
					82.15	73011189 531100	O&M - C/E FACIL OFC SUPPLIES			
								CHECK	349141 TOTAL:	82.15
349142	11/28/2018	PRTD	9038	HEDEEN & CADITZ, PLL	227071	8795	11/06/2018		11/25/18	2,190.00
Invoice: 8795							LEGAL/PROF SVCS RE: NORDLAND			
					2,190.00	32011262 54111000668	LGL-STO PRE-DEFENSE NORDLAND			
								CHECK	349142 TOTAL:	2,190.00
349143	11/28/2018	PRTD	4850	HOME DEPOT CREDIT SE	227130	4054524	10/31/2018		11/25/18	336.55
Invoice: 4054524							PW/HEADLAMPS, EXTENSION CORDS			
					336.55	73111256 53110000902	2018 STORM PREP-STRT-SUPPLY			
								CHECK	349143 TOTAL:	336.55
349144	11/28/2018	PRTD	9088	DUNCAN HOSS	227131	11/15/18	11/15/2018		11/25/18	37.42
Invoice: 11/15/18							CS/CORPORAL INTERVIEWS			
					37.42	91011211 531100	GG-C/E-CIVIL SVC-OFC SUP			
								CHECK	349144 TOTAL:	37.42
349145	11/28/2018	PRTD	5481	IACP	227132	0038828	11/05/2018		11/25/18	190.00
Invoice: 0038828							POL/ANNUAL DUES: HAMNER			
					190.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
					227133	0043456	11/05/2018		11/25/18	190.00
Invoice: 0043456							POL/ANNUAL DUES: HORN			
					190.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
								CHECK	349145 TOTAL:	380.00
349146	11/28/2018	PRTD	8027	INFORMATION STATION	227243	1121709-O	11/16/2018		11/25/18	350.00
Invoice: 1121709-O							EX/AM RADIO RENT NOV-DEC 2018			
					350.00	31011256 54500000830	EMERG AM RADIO STATION-RENTS			
								CHECK	349146 TOTAL:	350.00
349147	11/28/2018	PRTD	1833	INT'L SOCIETY OF ARB	227061	12/31/18	11/15/2018		11/25/18	185.00
Invoice: 12/31/18							PW/2019 ISA DUES: RN			
					185.00	73111290 549100	O&M-STREET-MAINT O/H-MISC			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK 349147 TOTAL:		185.00
349148	11/28/2018	PRTD	9080	JP MORGAN SECURITIES	227062	602228227	11/08/2018		11/25/18	107.06
Invoice: 602228227							FIN/B&O OVERPAYMENT			
					107.06	01131 316100	B&O TAX			
								CHECK 349148 TOTAL:		107.06
349149	11/28/2018	PRTD	7482	JUDGE PLUMBING CO/JP	227063	110618694	11/06/2018		11/25/18	940.29
Invoice: 110618694							PW/REPLACE BACKFLOW ASSY @ PW WELL			
					940.29	73011897 548100	O&M-C/E-PWYD FAC-REPAIRS			
					227064	100318472	10/03/2018		11/25/18	144.29
Invoice: 100318472							PW/BACKFLOW ASSY REMOVAL @ WLLC/ERCKSN			
					144.29	73111427 548100	O&M-ACCESS RDSIDE R&M			
								CHECK 349149 TOTAL:		1,084.58
349150	11/28/2018	PRTD	7961	KATY BIGELOW, ARBORI	227134	5365	11/13/2018		11/25/18	168.75
Invoice: 5365							PW/TREE ASSESS: KOMEDAL RD			
					168.75	73111427 54110000354	TREE PRES/REMOVAL-RD-PROF SVCS			
								CHECK 349150 TOTAL:		168.75
349151	11/28/2018	PRTD	333	KITSAP COUNTY AUDITO	227073	419210	10/01/2018		11/25/18	103.00
Invoice: 419210							PCD/SMP NOTICE TO TITLE			
					103.00	63470588 551000	CUR-DEV PLAN-RECORDING FEES			
					227135	417554	09/18/2018		11/25/18	38.00
Invoice: 417554							FIN/LID#22 LIEN RELEASE			
					38.00	41111141 541105	FIN-STRT-I/G PROF SVCS			
								CHECK 349151 TOTAL:		141.00
349152	11/28/2018	PRTD	4740	KITSAP COUNTY PUBLIC	227136	10132	10/23/2018		11/25/18	383.17
Invoice: 10132							ENG/Q3 2018 SSWM TECH ASSIST-ILA			
					383.17	72431832 54110000872	H2O/SSWM GROUP-PROF SVCS			
								CHECK 349152 TOTAL:		383.17
349153	11/28/2018	PRTD	1971	KELLEY IMAGING SYSTE	227137	IN455978	11/05/2018		11/25/18	1,151.20
Invoice: IN455978							PW/ANNUAL COPIER MAINT			
					1,151.20	73637891 548100	REPAIRS			
					227138	IN455977	11/05/2018		11/25/18	4,426.28

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
Invoice: IN455977						POL/ANNUAL COPIER MAINT			
				2,213.14	51011211 548100	PD-C/E-ADMIN REPAIRS			
				885.26	52011212 548100	POLICE - C/E INVEST REPAIRS			
				1,327.88	53011212 548100	POLICE - C/E PATROL MAINTENANC			
						CHECK		349153 TOTAL:	5,577.48
349154	11/28/2018	PRTD	1971 KELLEY IMAGING SYSTE	227065	23700635	11/12/2018		11/25/18	239.26
Invoice: 23700635						POL/E-STUDIO4555C COPIER LEASE			
				239.26	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
				227140	23659903	11/05/2018	21800009	11/25/18	279.04
Invoice: 23659903						POL/4555C COPIER LEASE			
				279.04	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
						CHECK		349154 TOTAL:	518.30
349155	11/28/2018	PRTD	2421 KITSAP COUNTY NOXIOU	227141	BI_2018 Q1-Q3	10/16/2018		11/25/18	5,000.00
Invoice: BI_2018 Q1-Q3						ENG/Q1-Q3 2018 VEG MGMNT			
				5,000.00	72011316 541100	ENG-GF-NOXIOUS WEED CONTROL			
						CHECK		349155 TOTAL:	5,000.00
349156	11/28/2018	PRTD	1884 KITSAP SUN	227143	KS2181883	11/15/2018		11/25/18	440.92
Invoice: KS2181883						POL/ANNUAL SUBX + $40 TIP			
				440.92	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
						CHECK		349156 TOTAL:	440.92
349157	11/28/2018	PRTD	309 KITSAP TIRE CENTER I	227144	217632	10/29/2018		11/25/18	10.90
Invoice: 217632						PW/SCRAP TIRE DISPOSAL			
				10.90	91011897 547900	GG-C/E-O&M YARD FAC-GARBAGE			
				227145	217517	10/23/2018		11/25/18	145.99
Invoice: 217517						POL/VEH #250 TIRES			
				145.99	52011212 531100	POLICE - C/E INVEST SUPPLIES			
				227146	217581	10/26/2018		11/25/18	714.46
Invoice: 217581						PW/VEH#60 TIRES			
				714.46	73411345 531100	OFFICE SUPPLIES			
				227216	217842	11/10/2018		11/25/18	30.04
Invoice: 217842						PW/FLAT REPAIR #6			
				30.04	73431835 548100	REPAIRS & MAINTENANCE			
						CHECK		349157 TOTAL:	901.39

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349158	11/28/2018	PRTD	1851	KRAZAN & ASSOCIATES	227148	J600534-5873	09/30/2018		11/25/18	661.25
	Invoice: J600534-5873					ON-CALL TESTING CONTRACT THRU				
					661.25	72011322 54110000203 TESTING SVCS-PRO SVCS				
							CHECK	349158 TOTAL:		661.25
349159	11/28/2018	PRTD	5011	LEXISNEXIS RISK SOLU	227149	1272084-20181031	10/31/2018	21800010	11/25/18	54.50
	Invoice: 1272084-20181031					POL/INFORMATION SERVICES				
					54.50	52011212 549100 PD-C/E-INV-DUES/SUBSCR/MEMBRSH				
							CHECK	349159 TOTAL:		54.50
349160	11/28/2018	PRTD	6279	MENG ANALYSIS	227217	18903-103A	07/31/2018		11/25/18	10,584.00
	Invoice: 18903-103A					FACILITY CONDITION ASSESSMENT				
					7,108.44	73011183 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					1,853.63	73411345 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					1,390.22	73425358 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					231.71	73431835 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					227219	18903-104A	09/30/2018		11/25/18	1,450.00
	Invoice: 18903-104A					FACILITY CONDITION ASSESSMENT				
					973.85	73011183 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					253.95	73411345 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					190.46	73425358 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					31.74	73431835 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					227220	18903-105	10/31/2018		11/25/18	408.50
	Invoice: 18903-105					FACILITY CONDITION ASSESSMENT				
					274.36	73011183 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					71.54	73411345 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					53.66	73425358 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					8.94	73431835 54110000909 FAC BLDG ASSESSMENTS-PROF SVCS				
					227244	18903-103B	07/31/2018		11/25/18	3,655.00
	Invoice: 18903-103B					CITY HALL SIDING ANALYSIS				
					3,655.00	73011183 54110000911 CH SIDING REPAIR-PROF SVCS				
					227245	18903-104B	09/30/2018		11/25/18	8,815.00
	Invoice: 18903-104B					CITY HALL SIDING ANALYSIS				
					8,815.00	73011183 54110000911 CH SIDING REPAIR-PROF SVCS				
							CHECK	349160 TOTAL:		24,912.50
349161	11/28/2018	PRTD	8375	MOORE IACOFANO GOLTS	227151	0055693	10/24/2018		11/25/18	5,978.25
	Invoice: 0055693					OLYMPIC DRIVE MODIFICATIONS TO				
					5,978.25	72334951 64110000596 SR305-OLYMPIC NM-ENG/DESIGN				
					227152	0055871	11/06/2018	21600063	11/25/18	722.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
	Invoice: 0055871					DESIGN SERVICES FOR WYATT WAY				
					722.00	72321951 64110000708 WYATT-MAD TO LOVELL-ENG/DESIGN				
									CHECK 349161 TOTAL:	6,700.25
349162	11/28/2018	PRTD	493	MODERN COLLISION REB	227221	15923	09/12/2018		11/25/18	2,660.77
	Invoice: 15923					POL/VEH#244 R REAR GUARD REPAIR				
					2,660.77	53011212 548100 POLICE - C/E PATROL MAINTENANC				
									CHECK 349162 TOTAL:	2,660.77
349163	11/28/2018	PRTD	7038	MOON SECURITY SERVIC	227153	951453	10/31/2018		11/25/18	934.00
	Invoice: 951453					CRT/HOSUE ARREST MONIT OCT2018				
					934.00	21011232 545000 COURT-ELECT HOME DET'N-EQ RENT				
									CHECK 349163 TOTAL:	934.00
349164	11/28/2018	PRTD	4214	MORRISON GRAVEL INC	227155	38217	10/04/2018	21800092	11/25/18	16,877.99
	Invoice: 38217					PW/488 YDS SEASONAL SAND				
					16,877.99	990 141100 MERCHANDISE				
									CHECK 349164 TOTAL:	16,877.99
349165	11/28/2018	PRTD	8545	MUTT MITT	227156	249769	11/02/2018		11/25/18	437.90
	Invoice: 249769					PW/DOG WASTE BAG DISPENSERS				
					350.32	73011768 531100 O&M-C/E-PARKS-SUPPLIES				
					87.58	73011189 531100 O&M - C/E FACIL OFC SUPPLIES				
									CHECK 349165 TOTAL:	437.90
349166	11/28/2018	PRTD	2574	NATIONAL BARRICADE C	227157	279170	10/31/2018		11/25/18	408.31
	Invoice: 279170					PW/ORANGE TRAFFIC BARRELS				
					408.31	73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY				
					227222	279171	10/31/2018		11/25/18	2,835.09
	Invoice: 279171					PW/SPEED LIMIT SIGNS				
					2,835.09	990 141100 MERCHANDISE				
									CHECK 349166 TOTAL:	3,243.40
349167	11/28/2018	PRTD	8954	ONE WAY BACKFLOW TES	227209	PAYREQ13-510	11/07/2018	21800075	11/25/18	220.00
	Invoice: PAYREQ13-510					2018 BACKFLOW TESTING				
					220.00	73411349 54110000510 BACKFLOW TEST-PRO SVCS				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
							CHECK	349167 TOTAL:		220.00
349168	11/28/2018	PRTD	8286	SUPERINTENDENT OF P	227158	14555	11/06/2018		11/25/18	86.00
	Invoice: 14555						POL/FINGERPRINTING			
					86.00	65438 386110	AGENCY-FINGERPRINT REV TO SPI			
					227159	14564	11/07/2018		11/25/18	43.00
	Invoice: 14564						POL/FINGERPRINTING			
					43.00	65438 386110	AGENCY-FINGERPRINT REV TO SPI			
					227160	14570	11/08/2018		11/25/18	129.00
	Invoice: 14570						POL/FINGERPRINTING			
					129.00	65438 386110	AGENCY-FINGERPRINT REV TO SPI			
							CHECK	349168 TOTAL:		258.00
349169	11/28/2018	PRTD	4129	OWEN EQUIPMENT COMPA	227223	00091168	11/07/2018		11/25/18	873.99
	Invoice: 00091168						PW/RELIEF VALVE			
					873.99	73637941 531100	VACTOR R&M-SUPPLIES			
							CHECK	349169 TOTAL:		873.99
349170	11/28/2018	PRTD	6579	WILLIAM R PEACOCK	227161	2018T00108D	10/03/2018		11/25/18	415.00
	Invoice: 2018T00108D						PW/WWCPA CERTIF TRAINING			
					415.00	73421355 443410	WIN COLL-TRAINING			
							CHECK	349170 TOTAL:		415.00
349171	11/28/2018	PRTD	8544	PHILANTHROPY NORTHWE	227162	TGP 2941	09/30/2018		11/25/18	1,387.40
	Invoice: TGP 2941						EX/COMM SVCS			
					1,387.40	31017572 54110000297	EX-COMMUNITY FUNDING RESOURCES			
					227163	TGP 2913	09/30/2018		11/25/18	250.00
	Invoice: TGP 2913						EX/HUMAN SERVICES			
					250.00	31017572 54110000297	EX-COMMUNITY FUNDING RESOURCES			
					227164	TGP 2939	09/30/2018		11/25/18	150.00
	Invoice: TGP 2939						EX/CULTURAL FUNDING			
					150.00	31017572 54110000297	EX-COMMUNITY FUNDING RESOURCES			
					227165	TGP 2947	10/31/2018		11/25/18	75.00
	Invoice: TGP 2947						EX/CULTURAL FUNDING			
					75.00	31017572 54110000297	EX-COMMUNITY FUNDING RESOURCES			
					227166	TGP 2969	10/31/2018		11/25/18	8,717.50
	Invoice: TGP 2969						EX/CUMMUNITY SVCS			
					8,717.50	31017572 54110000297	EX-COMMUNITY FUNDING RESOURCES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	349171 TOTAL:		10,579.90
349172	11/28/2018	PRTD	6708 POLICE MAGAZINE	227167	2019	10/31/2018		11/25/18	25.00
Invoice: 2019						POL/ANNUAL SUBX			
				25.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
						CHECK	349172 TOTAL:		25.00
349173	11/28/2018	PRTD	7187 RANDOLPH BAUER	227168	1812108	11/08/2018		11/25/18	90.00
Invoice: 1812108						PW/1 @ CREOSOTE PL			
				90.00	73011768 545000	O&M-C/E-PARKS-OP LEASES			
				227169	1812106	11/08/2018		11/25/18	180.00
Invoice: 1812106						PW/2 @ EAGLE HARBOR DR			
				180.00	73011768 545000	O&M-C/E-PARKS-OP LEASES			
				227170	1812107	11/08/2018		11/25/18	90.00
Invoice: 1812107						PW/1 @ HIDDEN COV E			
				90.00	73011897 545000	O&M-C/E-PWYD FAC-RENTS			
				227171	1812109	11/08/2018		11/25/18	90.00
Invoice: 1812109						PW/1 @ NE VINCENT			
				90.00	73435838 545000	O&M-DECANT-RENTS			
						CHECK	349173 TOTAL:		450.00
349174	11/28/2018	PRTD	394 RED'S ELECTRIC MOTOR	227172	35581	11/13/2018		11/25/18	4,223.75
Invoice: 35581						PW/SEWER PUMP REPAIR			
				4,223.75	73426355 548100	O&M-SIS-REPAIRS			
						CHECK	349174 TOTAL:		4,223.75
349175	11/28/2018	PRTD	7026 RHITHRON ASSOCIATES,	227173	2733	11/01/2018	21800035	11/25/18	2,200.00
Invoice: 2733						AQU BIOASSMNT & TECH SUPP			
				2,200.00	72637319 54110000809	WATER QUAL FLOW MONIT-PRO SVCS			
						CHECK	349175 TOTAL:		2,200.00
349176	11/28/2018	PRTD	2409 RIVER OAKS COMMUNICA	227174	10/29/18	10/29/2018		11/25/18	3,842.50
Invoice: 10/29/18						LEGAL/RADIO STATION MATTERS			
				3,842.50	32011152 54110000955	CHALLENGE TO RADIO STATION-PS			
						CHECK	349176 TOTAL:		3,842.50

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349177	11/28/2018	PRTD	5864	SHOOTING TIMES	227176	2019	10/29/2018		11/25/18	20.00
Invoice: 2019						POL/ANNUAL SUBX				
					20.00	53011212 549100	PD-C/E-PATROL-DUES/SUBCR/MEMBR			
							CHECK	349177	TOTAL:	20.00
349178	11/28/2018	PRTD	2035	SIX ROBBLEES INC	227177	2-696432	10/30/2018		11/25/18	121.57
Invoice: 2-696432						PW/SHOP SUPPLIES				
					121.57	73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
							CHECK	349178	TOTAL:	121.57
349179	11/28/2018	PRTD	7173	SKILLINGS CONNOLLY I	227179	11492	11/01/2018	21600086	11/25/18	3,936.03
Invoice: 11492						MILLER RD TOLO-PETERSON HILL				
					3,936.03	72334562 64110000800	C40-MILLER RD-ENG/DESIGN			
					227180	11487	11/01/2018		11/25/18	8,586.75
Invoice: 11487						SPORTSMAN CLUB & NEW BROOKLYN				
					8,586.75	72321953 64110000715	SP CLUB/NB INTERSECTN-DESIGN			
							CHECK	349179	TOTAL:	12,522.78
349180	11/28/2018	PRTD	601	SOUND REPROGRAPHICS	227181	66394	10/26/2018		11/25/18	329.18
Invoice: 66394						PCD/I LOVE PLANNING SHIRTS				
					329.18	61011581 531100	PCD - C/E ADMIN SUPPLIES			
					227182	66065	10/05/2018		11/25/18	17.96
Invoice: 66065						CC/NAME PLATE FOR DAIS				
					17.96	11011116 531100	COUNCIL - SUPPLIES			
					227183	66038	10/04/2018		11/25/18	372.25
Invoice: 66038						PCD/PLANNING BANNER				
					372.25	61011581 531100	PCD - C/E ADMIN SUPPLIES			
					227184	66099	10/04/2018		11/25/18	219.08
Invoice: 66099						ENG/SPORTSMAN-NB SIGNS				
					219.08	72321953 64245000715	SP CLUB/NB INTERSECTN-OUTREACH			
							CHECK	349180	TOTAL:	938.47
349181	11/28/2018	PRTD	8132	SPECTRA LABORATORIES	227185	18-08642	11/08/2018		11/25/18	21.16
Invoice: 18-08642						PW/ECOLI TESTING				
					21.16	73011897 54110000391	LAB SVCS-PWY FAC			
					227186	18-08641	11/08/2018		11/25/18	21.16
Invoice: 18-08641						PW/ROCKAWAY ECOLI TESTING				
					21.16	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				227187	18-08640	11/08/2018		11/25/18	42.32
Invoice: 18-08640					PW/ECOLI TESTING				
				42.32	73411345 54110000391 LAB SVCS-WATER				
				227188	18-08542	11/08/2018		11/25/18	63.48
Invoice: 18-08542					PW/WINWTR ECOLI TESTING				
				63.48	73411345 54110000391 LAB SVCS-WATER				
				227189	18-08440	10/31/2018		11/25/18	42.32
Invoice: 18-08440					PW/WINWTR ECOLI TESTING				
				42.32	73411345 54110000391 LAB SVCS-WATER				
				227190	18-08244	10/26/2018		11/25/18	146.50
Invoice: 18-08244					PW/WWTP TESTING				
				146.50	73425358 54110000391 LAB & TESTING SVCS-WWTP				
							CHECK	349181 TOTAL:	336.94
349182	11/28/2018	PRTD	2467 STAPLES	227191	3395604039	11/03/2018		11/25/18	330.76
Invoice: 3395604039					PW/PAPER, CALENDARS				
				330.76	73637891 531100 OFFICE SUPPLIES				
				227192	3395604171	11/03/2018		11/25/18	224.79
Invoice: 3395604171					POL/ENVELOPES, PAPER, SANITIZER				
				112.40	51011211 531100 PD-C/E-ADM-SUPPLIES				
				44.96	52011212 531100 POLICE - C/E INVEST SUPPLIES				
				67.43	53011212 531100 PD-C/E-PATROL SUPPLIES				
				227193	3395603925	11/03/2018		11/25/18	-45.74
Invoice: 3395603925					EX/DRINK CUP RETURN				
				-45.74	31011572 53110000957 SAFE MOBILITY LEVY-SUPPLIES				
				227194	3395603929	11/03/2018		11/25/18	-15.58
Invoice: 3395603929					EX/PEN RETURN				
				-15.58	31011131 531100 EX-GF-SUPPLIES				
				227195	3395604076	11/03/2018		11/25/18	53.46
Invoice: 3395604076					PCD/PAPER, SPONGES, GARBAGE CAN				
				53.46	61011581 531100 PCD - C/E ADMIN SUPPLIES				
				227196	3395604075	11/03/2018		11/25/18	93.83
Invoice: 3395604075					PCD/OFFICE SUPPLIES				
				93.83	62471591 531100 BLDG - BLDG OFFICE SUPPLIES				
							CHECK	349182 TOTAL:	641.52
349183	11/28/2018	PRTD	5882 STAR RENTALS	227197	352894-36	10/30/2018		11/25/18	943.84
Invoice: 352894-36					PW/EXCAVATOR RENTAL				
				943.84	73431835 545000 RENTS & LEASES - OPERATING				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
							INVOICE DTL DESC			
					227198	341857-36	10/23/2018		11/25/18	2,212.70
Invoice: 341857-36							PW/ROLLER RENTAL			
					2,212.70	73111423 545000	RENTS & LEASES - OPERATING			
							CHECK	349183 TOTAL:		3,156.54
349184	11/28/2018	PRTD	4819	WEST PAYMENT CENTER	227224	839242139	11/04/2018		11/25/18	443.63
Invoice: 839242139							CRT/ WA PRACTICES SUBX			
					443.63	21011125 549100	COURT-DUES/SUBSCR/MEMBERSHIPS			
							CHECK	349184 TOTAL:		443.63
349185	11/28/2018	PRTD	4819	THOMSON REUTERS - WE	227199	839214742	10/31/2018		11/25/18	531.59
Invoice: 839214742							LEGAL/INFO SERVICES			
					531.59	32011152 549100	LGL-GF-DUES & SUBSCRIPTIONS			
							CHECK	349185 TOTAL:		531.59
349186	11/28/2018	PRTD	6714	TOSHIBA FINANCIAL SE	227200	23700634	11/12/2018		11/25/18	353.16
Invoice: 23700634							PCD/E-STUDIO6560C COPIER LEASE			
					353.16	61470581 545000	PCD - DEV ADMIN RENTS & LEASES			
							CHECK	349186 TOTAL:		353.16
349187	11/28/2018	PRTD	558	TOWN & COUNTRY MARKE	227201	11/14/18	11/14/2018		11/25/18	75.92
Invoice: 11/14/18							EX/NOVEMBER BIRTHDAY LUNCHES			
					75.92	31011131 531100	EX-GF-SUPPLIES			
					227202	11/13/18	11/13/2018		11/25/18	13.04
Invoice: 11/13/18							PW/DISTILLED WATER			
					13.04	73425358 531100	O&M-WWTP-SUPPLIES			
					227203	10/17/18	10/17/2018		11/25/18	75.92
Invoice: 10/17/18							EX/OCT BIRTHDAY LUNCHES			
					75.92	31011131 531100	EX-GF-SUPPLIES			
							CHECK	349187 TOTAL:		164.88
349188	11/28/2018	PRTD	7876	TYLER BUSINESS FORMS	227204	22495	11/01/2018		11/25/18	523.71
Invoice: 22495							FIN/1099 & W2 SUPPLIES			
					523.71	41011141 531100	FIN - C/E ADMIN SUPPLIES			
							CHECK	349188 TOTAL:		523.71

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349189	11/28/2018	PRTD	2190	UNITED PARCEL SERVIC	227205	000028Y3Y1448	11/03/2018		11/25/18	47.32
	Invoice: 000028Y3Y1448						POL/SHIPPING			
					47.32	91011215 542500	GG-C/E-PD-POSTAGE			
							CHECK	349189 TOTAL:		47.32
349190	11/28/2018	PRTD	1152	USA BLUE BOOK	227206	719150	10/24/2018		11/25/18	943.72
	Invoice: 719150						PW/LOCATOR			
					943.72	73411345 531100	OFFICE SUPPLIES			
							CHECK	349190 TOTAL:		943.72
349191	11/28/2018	PRTD	553	UTILITIES UNDERGROUN	227207	8100126	10/31/2018		11/25/18	285.09
	Invoice: 8100126						PW/OCT EXCAVATION NOTICES			
					285.09	73637893 54110000393	O&M ALLOC-LOCATING SVCS			
							CHECK	349191 TOTAL:		285.09
349192	11/28/2018	PRTD	8896	VISIT KITSAP PENINSU	227225	11096	09/30/2018		11/25/18	2,250.00
	Invoice: 11096						Q3 2018 LTAC: MARKETING SUPPORT			
					2,250.00	91140573 541100	GG-TOUR-PROF SERVICES			
							CHECK	349192 TOTAL:		2,250.00
349193	11/28/2018	PRTD	167	WA ST DEPT OF ECOLOG	227226	WA-W405-18	11/09/2018		11/25/18	600.00
	Invoice: WA-W405-18						PW/LAB ACCREDITATION FEES			
					600.00	73425358 549800	O&M-WWTP-PERMITS			
							CHECK	349193 TOTAL:		600.00
349194	11/28/2018	PRTD	952	WASHINGTON STATE PAT	227227	I19002928	11/07/2018		11/25/18	192.00
	Invoice: I19002928						FIN/OCT18 BACKGROUND CHECKS			
					192.00	41654861 586100	AGENCY DISBURSEMENTS			
							CHECK	349194 TOTAL:		192.00
349195	11/28/2018	PRTD	710	WCIA	227228	14225	10/29/2018		11/25/18	13,608.00
	Invoice: 14225						POL/BOAT INS THROUGH 10/9/19			
					13,608.00	91025129 546000	MARINE - INSURANCE			
							CHECK	349195 TOTAL:		13,608.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349196	11/28/2018	PRTD	499 WESTBAY AUTO PARTS I	227230	405699	11/01/2018		11/25/18	89.21
Invoice: 405699					PW/SWIVELS (6)				
				89.21	73111256 53110000902	2018 STORM PREP-STRT-SUPPLY			
				227231	407063	11/07/2018		11/25/18	191.28
Invoice: 407063					PW/FULL FACE PACKOUT				
				191.28	73411345 531100	OFFICE SUPPLIES			
				227232	405880	11/02/2018		11/25/18	13.30
Invoice: 405880					PW/TERMINALS (20)				
				13.30	73111256 53110000902	2018 STORM PREP-STRT-SUPPLY			
				227233	405557	11/01/2018		11/25/18	176.06
Invoice: 405557					PW/SWIVELS				
				176.06	73111256 53110000902	2018 STORM PREP-STRT-SUPPLY			
				227234	404851	10/29/2018		11/25/18	54.06
Invoice: 404851					PW/AIR & OIL FILTERS				
				54.06	990 141100	MERCHANDISE			
				227235	404158	10/26/2018		11/25/18	427.42
Invoice: 404158					PW/HOT START HEATER				
				427.42	73421355 531100	WIN COLL-SUPPLIES			
							CHECK	349196 TOTAL:	951.33
349197	11/28/2018	PRTD	2607 ZEE MEDICAL SERVICE	227237	68365697	11/07/2018	21800013	11/25/18	184.52
Invoice: 68365697					POL/FIRST AID SUPPLY RESTOCK				
				184.52	51011215 531100	POLICE - C/E FACIL SUPPLIES			
				227238	68368901	11/07/2018		11/25/18	105.32
Invoice: 68368901					FIN/C.H. FIRST AID RESTOCK				
				105.32	41011189 531100	FIN - C/E CNTL SV SUPPLIES			
				227239	68365691	11/06/2018		11/25/18	297.53
Invoice: 68365691					PW/FIRST AID RESTOCK				
				297.53	73637891 531100	OFFICE SUPPLIES			
							CHECK	349197 TOTAL:	587.37

NUMBER OF CHECKS 103 *** CASH ACCOUNT TOTAL *** 205,717.83

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	103	205,717.83

*** GRAND TOTAL *** 205,717.83

JOURNAL ENTRIES TO BE CREATED

CLERK: cchristianson

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 285									
APP 401-213000					ACCOUNTS PAYABLE			4,559.49	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				205,717.83
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			114,150.82	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			8,589.88	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			17,133.93	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000					ACCOUNTS PAYABLE			20,506.11	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			14,166.13	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			2,313.84	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 622-213000					ACCOUNTS PAYABLE			300.00	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			1,530.49	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 901-213000					ACCOUNTS PAYABLE			19,767.14	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 650-213000					ACCOUNTS PAYABLE			450.00	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
APP 104-213000					CIVIC IMPR - ACCOUNTS PAYABLE			2,250.00	
11/21/2018 11/25/18		112818			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			205,717.83	205,717.83
APP 631-130000					DUE TO/FROM CLEARING			191,551.70	
11/21/2018 11/25/18		112818			DUE TO/FROM CLEARING				4,559.49
APP 401-130000					GENERAL - DUE TO/FROM CLEARING				114,150.82
11/21/2018 11/25/18		112818			DUE TO/FROM CLEARING				8,589.88
APP 001-130000					STREETS - DUE TO/FROM CLEARING				17,133.93
11/21/2018 11/25/18		112818			DUE TO/FROM CLEARING				20,506.11
APP 402-130000					DUE TO/FROM CLEARING				2,313.84
11/21/2018 11/25/18		112818			DUE TO/FROM CLEARING				300.00
APP 101-130000					DUE TO/FROM CLEARING				1,530.49
11/21/2018 11/25/18		112818							
APP 301-130000									
11/21/2018 11/25/18		112818							
APP 403-130000									
11/21/2018 11/25/18		112818							
APP 622-130000									
11/21/2018 11/25/18		112818							
APP 407-130000									

JOURNAL ENTRIES TO BE CREATED

YEAR PER JNL SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
11/21/2018	11/25/18	112818							
APP 901-130000					DUE TO/FROM CLEARING				19,767.14
11/21/2018	11/25/18	112818							
APP 650-130000					DUE TO/FROM CLEARING				450.00
11/21/2018	11/25/18	112818							
APP 104-130000					CIVIC IMPR DUE TO/FROM CLEAR'G				2,250.00
11/21/2018	11/25/18	112818							
					SYSTEM GENERATED ENTRIES TOTAL			191,551.70	191,551.70
					JOURNAL 2018/11/285 TOTAL			397,269.53	397,269.53

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	285	11/21/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		114,150.82
001-213000			GENERAL - ACCOUNTS PAYABLE	114,150.82	
			FUND TOTAL	114,150.82	114,150.82
101 STREET FUND	2018 11	285	11/21/2018		
101-130000			STREETS - DUE TO/FROM CLEARING		17,133.93
101-213000			STREETS - ACCOUNTS PAYABLE	17,133.93	
			FUND TOTAL	17,133.93	17,133.93
104 CIVIC IMPROVEMENT FUND	2018 11	285	11/21/2018		
104-130000			CIVIC IMPR DUE TO/FROM CLEAR'G		2,250.00
104-213000			CIVIC IMPR - ACCOUNTS PAYABLE	2,250.00	
			FUND TOTAL	2,250.00	2,250.00
301 CAPITAL CONSTRUCTION FUND	2018 11	285	11/21/2018		
301-130000			DUE TO/FROM CLEARING		20,506.11
301-213000			ACCOUNTS PAYABLE	20,506.11	
			FUND TOTAL	20,506.11	20,506.11
401 WATER OPERATING FUND	2018 11	285	11/21/2018		
401-130000			DUE TO/FROM CLEARING		4,559.49
401-213000			ACCOUNTS PAYABLE	4,559.49	
			FUND TOTAL	4,559.49	4,559.49
402 SEWER OPERATING FUND	2018 11	285	11/21/2018		
402-130000			DUE TO/FROM CLEARING		8,589.88
402-213000			ACCOUNTS PAYABLE	8,589.88	
			FUND TOTAL	8,589.88	8,589.88
403 STORM & SURFACE WATER FUND	2018 11	285	11/21/2018		
403-130000			DUE TO/FROM CLEARING		2,313.84
403-213000			ACCOUNTS PAYABLE	2,313.84	
			FUND TOTAL	2,313.84	2,313.84
407 BUILDING & DEVELOPMENT FUND	2018 11	285	11/21/2018		
407-130000			DUE TO/FROM CLEARING		1,530.49
407-213000			ACCOUNTS PAYABLE	1,530.49	
			FUND TOTAL	1,530.49	1,530.49
622 EXPENDABLE TRUST FUND	2018 11	285	11/21/2018		

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION		DEBIT	CREDIT
622-130000			DUE TO/FROM CLEARING			300.00
622-213000			ACCOUNTS PAYABLE		300.00	
				FUND TOTAL	300.00	300.00
631 CLEARING FUND	2018 11	285	11/21/2018			
631-130000			DUE TO/FROM CLEARING		191,551.70	
631-213000			ACCOUNTS PAYABLE		14,166.13	
635-111100			CASH			205,717.83
				FUND TOTAL	205,717.83	205,717.83
650 AGENCY FUND	2018 11	285	11/21/2018			
650-130000			DUE TO/FROM CLEARING			450.00
650-213000			ACCOUNTS PAYABLE		450.00	
				FUND TOTAL	450.00	450.00
901 CITY-WIDE REPORTING FUND	2018 11	285	11/21/2018			
901-130000			DUE TO/FROM CLEARING			19,767.14
901-213000			ACCOUNTS PAYABLE		19,767.14	
				FUND TOTAL	19,767.14	19,767.14

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		114,150.82
101	STREET FUND		17,133.93
104	CIVIC IMPROVEMENT FUND		2,250.00
301	CAPITAL CONSTRUCTION FUND		20,506.11
401	WATER OPERATING FUND		4,559.49
402	SEWER OPERATING FUND		8,589.88
403	STORM & SURFACE WATER FUND		2,313.84
407	BUILDING & DEVELOPMENT FUND		1,530.49
622	EXPENDABLE TRUST FUND		300.00
631	CLEARING FUND	191,551.70	
650	AGENCY FUND		450.00
901	CITY-WIDE REPORTING FUND		19,767.14
	TOTAL	191,551.70	191,551.70

** END OF REPORT - Generated by Carrie L. Christianson **

PAYROLL

PAYROLL CHECK RUN: 11 - 20 - 2018

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	11/20/2018	043258 - 043380	P/R check run - direct deposit	304,062.97
Normal	11/20/2018	108758 - 108759	P/R check run - regular	4,190.50
Vendor	11/20/2018	108760 - 108771	P/R vendor check run	122,087.90
EFTPS	11/20/2018		Federal Tax Electronic Transfer	112,958.67
			TOTAL:	**543,300.04**

Prepared and Reviewed by: Deborah Lee Date 11-19-18

Deborah Lee

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Bainbridge Island, and that I am authorized to authenticate and certify to said claim.

Date 11/19/18

Kimberly M. Dunscombe, Budget Manager

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:**

AGENDA ITEM: Special City Council Study Session Minutes, November 6, 2018

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
Consider approval of meeting minutes.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

CCMIN 110618 SPECIAL STUDY SESSION

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

SPECIAL CITY COUNCIL STUDY SESSION
TUESDAY, NOVEMBER 6, 2018

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Medina called the meeting to order at 5:00 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, Nassar, Tirman, and Schneider were present.

2) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Deets moved and Councilmember Nassar seconded to approve the agenda as presented. The motion was approved by unanimous consent. There were no conflicts of interest disclosed.

3) MAYOR'S REPORT

Mayor Medina noted that he will ask the Design Review Board to defer their discussion of the sign code. He added that the Marine Access Committee will hold a public meeting on buoy placement. He commented on procedures surrounding Council absences and noted that surplus property will be on a future agenda.

4) PRESENTATION(S)

4.A Proclamation Honoring Veterans Day on November 11, 2018 - Mayor Medina

Cover Page
Veterans Day Proclamation 2018

Mayor Medina led the Council in the Pledge of Allegiance and read the proclamation.

MOTION: I move to authorize the Mayor to sign the proclamation honoring Veterans Day on November 11, 2018, and to add this proclamation to the list of proclamations that may be issued by the Mayor annually without further authorization.
Deets/Peltier: The motion was approved by unanimous consent.

Mayor Medina presented the proclamation to Commander Gary Sakuma from the American Legion Colin Hyde Post 172.

Gary Sakuma thanked Council for the proclamation.

5) UNFINISHED BUSINESS

5.A Update on Moratorium - Planning

Cover Page
20181106 Moratorium work program status report
Ordinance No. 2018-41 Extending Moratorium Ordinance Approved 092518

Planning Director Christensen provided an update on the moratorium workplan and addressed Council's questions.

6) CITY COUNCIL DISCUSSION

6.A Council Land Use Committee - Mayor Medina

Cover Page

Council agreed to discuss the Council Land Use Committee agenda item ahead of the budget discussion.

Councilmember Blossom introduced the item and proposed an ad hoc committee to work on Affordable Housing issues.

Council discussed the topic. Councilmember Blossom will submit a form for the ad hoc committee for Council's review and approval.

5.B Budget Discussions - Finance

Cover Page
Budget Discussion Transmittal for CC 11062018-FINAL.docx
2019 -2020 Proposed Budget Updates as of November 2018.docx

Deputy City Manager Schroer provided a presentation on the budget.

Heather Burger, Executive Director of Friends of the Farms, provided information on the Friends of the Farms funding request and addressed Council's questions with Rebecca Connor, Treasurer for Friends of the Farms. Council discussed the funding request and amending the Master Lease.

Environmental Technical Advisory Committee (ETAC) Chair Kratzer and Committee Member Keenan addressed Council's questions on the proposed groundwater management plan. Council asked City Manager Smith for additional information on options for staffing the program.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas - Mayor Medina

Cover Page
City Council Regular Business Meeting 111318

City Council Study Session 112018
City Council Regular Business Meeting 112718
City Council Study Session 120418
City Council Regular Business Meeting 121118

Council reviewed future Council agendas.

8) FOR THE GOOD OF THE ORDER

Councilmember Peltier inquired about the Marine Access Committee workshop on the Open Water Marina.

Mayor Medina asked to set a date for the annual Council retreat on a Friday in January or February.

9) ADJOURNMENT

Mayor Medina adjourned the meeting at 6:59 p.m.

_____
Kol Medina, Mayor

_____
Christine Brown, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:**

AGENDA ITEM: City Council Regular Business Meeting Minutes, November 13, 2018

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Consent Agenda **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
Consider approval of meeting minutes.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

CCMIN 111318 BUSINESS

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, NOVEMBER 13, 2018

Meeting Minutes

1) CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Mayor Medina called the meeting to order at 6:02 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, Nassar, Tirman, and Schneider were present.

2) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Schneider asked to add a discussion of the SAFE Mobility Levy. Deputy Mayor Deets seconded the request. Council agreed to add the discussion to item 7.B, relating to the budget.

Councilmember Nassar moved and Deputy Mayor Deets seconded to approve the agenda, as presented. The motion was approved by unanimous consent. There were no conflicts of interest disclosed.

3) PUBLIC COMMENT

Mark Arvidson spoke in favor of funding Friends of the Farms.

Sal Celis spoke in favor of funding Friends of the Farms.

Ginny Brewer spoke about the background of Friends of the Farms.

Ellen Wixted spoke about the need for improved shoulders.

Sue Entress asked Council to consider the needs of Bainbridge Island Rowing in configuring the Open Water Marina.

Sal DeRosalia thanked Council and the City Manager for addressing race equity issues.

Tracy Lang spoke in favor of funding Friends of the Farms.

Bob Ross spoke in favor of funding Friends of the Farms.

Patti Dusbabek spoke against Friends of the Farms.

Brandon Fouts spoke against Friends of the Farms.

4) MAYOR'S REPORT

Mayor Medina mentioned Homelessness and Hunger Awareness Week events, the January meeting schedule, and the need for a Bainbridge Island representative for a Kitsap Transit citizens advisory committee.

5) CITY MANAGER'S REPORT

City Manager Smith mentioned the upcoming community meeting on new tree regulations, the Suzuki public workshop, and the need for Winter Wonderland volunteers.

6) PRESENTATION(S)

6.A Proclamation Declaring the Week of November 12 - 19 as "Transgender Awareness Week" - Mayor Medina

Cover Page
Transgender Awareness Week Proclamation 2018

Councilmember Tirman read the proclamation.

MOTION: I move to approve the motion recognizing the week of November 12-19 as "Transgender Awareness Week."
Tirman/Nassar: The motion was approved by unanimous consent.

Derek Villanueva, Bainbridge Pride, read Eve Paulay's words thanking Council for the proclamation.

7) PUBLIC HEARING(S)

7.A Ordinance No. 2018-40 Relating to the Levy of Property Taxes for the Fiscal Year Commencing January 1, 2019 - Finance

Cover Page
Ordinance No. 2018-40 Re Levy of Property Taxes for Collection in 2019
2019 Tax Year Levy Limit Calculation.pdf

Interim Accounting Manager Logghe provided a presentation on the property tax ordinance.

Mayor Medina opened the public hearing at 6:44 pm. There was no public comment. Mayor Medina closed the public hearing at 6:45 p.m.

Deputy City Manager Schroer and Interim Accounting Manager Logghe addressed Council's questions.

MOTION: I move to forward to the November 27, 2018, Council meeting Ordinance No. 2018-40, setting the property tax levy for the fiscal year commencing January 1, 2019.
Nassar/Peltier: The motion carried unanimously, 7-0.

7.B **Ordinance No. 2018-39 Adopting the Budget of the City for Fiscal Years Ending December 31, 2019, and December 31, 2020 - Finance**

Cover Page
Ordinance No. 2018-39 Adopting Two-Year Biennial Budget for FY 2019-20
2019 Exhibit A - as Proposed v2.pdf
2020 Exhibit B - as Proposed v2.pdf
Budget Changes to Date after November 6 meeting.pdf
Budget Discussion Transmittal for CC 11132018 - FINAL.docx

Deputy City Manager Schroer provided a presentation on the revised budget.

Mayor Medina opened the public hearing at 6:59 p.m.

Public Comment
Robert Dashiell spoke in favor of the Police additions and against the Groundwater Management Plan, Natural Resource specialist, Water Flow Monitoring program, storm sediment project, and noxious weed program.

Andy Maron spoke about the need for non-motorized improvements.

Susan Loftus spoke in favor of funding non-motorized transportation.

Mayor Medina closed the public hearing at 7:08 p.m.

Council discussed funding for non-motorized transportation projects. City Manager Smith and Public Works Director Loveless responded to Council's questions.

MOTION: I move to remove $150,000 from the CIP for City Dock Modifications with $50k removed from 2019 and $100k from 2020.
Tirman/Nassar: The motion carried unanimously, 7-0.

Councilmember Schneider moved to put the $150,000 towards non-motorized transportation projects and amended her motion to designate the Expeditionary Trail. Upon discussion, Councilmember Schneider withdrew her motion.

MOTION: I move to fund $150,000 for non-motorized projects to be identified in a yet unspecified process.
Peltier/Schneider: Motion failed 3 – 4.

AYES:	Ron Peltier, Matt Tirman, Leslie Schneider
NOES:	Sarah Blossom, Rasham Nassar, Joe Deets, Kol Medina
ABSENT:	None
ABSTAIN:	None

MOTION: I move to remove from the 2019-20 budget Item 10, FTE: administrative specialist at a $100,000 a year annual salary.
Nassar/Peltier: Motion failed 2 – 5.

AYES: Ron Peltier, Rasham Nassar
NOES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina
ABSENT: None
ABSTAIN: None

MOTION: I move to fund an Island wide storm water study for $100K as part of the 2019-20 biennial budget.
Peltier/Nassar: Motion carried 6 – 1.

AYES: Ron Peltier, Rasham Nassar, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina
NOES: Sarah Blossom
ABSENT: None
ABSTAIN: None

MOTION: I move to fund storm water projects, identified and prioritized by an Island-wide storm water study for $200K as part of the 2019-20 biennial budget.
Peltier/Nassar: Motion failed 3 – 4.

AYES: Ron Peltier, Rasham Nassar, Joe Deets
NOES: Sarah Blossom, Matt Tirman, Leslie Schneider, Kol Medina
ABSENT: None
ABSTAIN: None

Councilmember Blossom moved to allocate $190,000 for 2019 for the development of a Groundwater Management Plan and Councilmember Tirman seconded the motion. Following discussion, Deputy Mayor Deets moved to amend the motion to allocate $200,000 and Councilmember Peltier seconded the amendment.

AMENDED MOTION: I move to allocate $200,000 for 2019 for the development of a Groundwater Management Plan.
Blossom/Tirman: Motion carried 4 – 3.

AYES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider
NOES: Ron Peltier, Rasham Nassar, Kol Medina
ABSENT: None
ABSTAIN: None

MOTION: I would like to make a motion to add $50,000 to appropriate solar ordinances, such as a solar access ordinance, such as requiring photo voltaics on government buildings.

Deets/Tirman: Motion carried 6 – 0, with Councilmember Nassar temporarily absent from Council Chambers.

AYES: Sarah Blossom, Ron Peltier, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina
NOES: None
ABSENT: Rasham Nassar
ABSTAIN: None

MOTION: I move to allocate a one-time payment of $65,000 for Friends of the Farm for FY19 and further authorize City Manager of Bainbridge Island to amend the Master Lease to allow for this payment to Friends of the Farms. Further, I move that any further payments only occur once a review of the Master Lease has been undertaken by Council.
Tirman/Blossom: Motion carried 5 – 2.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Matt Tirman, Leslie Schneider
NOES: Joe Deets, Kol Medina
ABSENT: None
ABSTAIN: None

Councilmember Peltier moved to amend the motion to allocate $45,000 to Friends of the Farms. The motion failed for lack of a second. Councilmember Peltier moved to amend the motion to include funding for both 2019 and 2020 pending further discussion at the end of 2019. Councilmember Peltier withdrew his motion to amend.

MOTION: I move to include $65,000 in our 2019-20 biennial budget towards improvements to the Town Square and Farmers Market that could include installing a new, more durable, surface and partial cover for the area to encourage its use during inclement weather conditions.
Peltier/Nassar: Motion carried 6 – 1.

AYES: Sarah Blossom, Ron Peltier, Rasham Nassar, Joe Deets, Matt Tirman, Kol Medina
NOES: Leslie Schneider
ABSENT: None
ABSTAIN: None

MOTION: I move to revise the noxious weed removal program from $100,000 per year recurring to $50,000 per year.
Tirman/Deets: Motion carried 4 – 3.

AYES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider
NOES: Ron Peltier, Rasham Nassar, Kol Medina
ABSENT: None
ABSTAIN: None

MOTION: I move to maintain the Human Resource Analyst role in the budget.

Tirman/Blossom: The motion carried unanimously, 7-0.

MOTION: I move to add 1.00 FTE, at $150,000 per year, for a hydrogeologist to the 2019-20 biennial budget.
Peltier/Nassar: Motion failed 3 – 4.

AYES:	Ron Peltier, Rasham Nassar, Kol Medina
NOES:	Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider
ABSENT:	None
ABSTAIN:	None

MOTION: I move to provide $100,000 in funding for safety improvements to Manitou Beach Drive, including shoulder enhancement and speed readers and other types of traffic calming; left out speed tables.
Peltier/Deets: Motion failed 2 – 5.

AYES:	Ron Peltier, Joe Deets
NOES:	Sarah Blossom, Rasham Nassar, Matt Tirman, Leslie Schneider, Kol Medina
ABSENT:	None
ABSTAIN:	None

MOTION: I move to fund a study for the possible upgrade of Bainbridge Island's wastewater treatment plants specifically for contaminants of emerging concern for $100K as part of the 2019-20 biennial budget.
Peltier/Deets: The motion carried unanimously, 7-0.

8) UNFINISHED BUSINESS

8.A Set Public Hearing Date for Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Restrictions - Planning

Cover Page
Ordinance No. 2018-30, Establishing a Fee-In-Lieu Option for Certain Lots with Affordable Housing Requirements
Memo Re: Ordinance No. 2018-30
Housing Resources Bainbridge Comments
2018 Bremerton-Silverdale MSA HUD Median Income Limit

MOTION: I move to hold a public hearing on Ordinance No. 2018-30 as part of the agenda for the November 27, 2018 Business Meeting.
Blossom/Tirman: The motion was approved by unanimous consent.

Mayor Medina adjourned the meeting for a break at 8:51 p.m. and re-convened the meeting at 8:57 p.m.

8.B Ordinance No. 2018-43 Relating to Revisions to the Development Moratorium for Certain Developments - Planning

Cover Page
Ordinance No. 2018-43 Amending Moratorium Ordinance
Development Moratorium Summary Strikeout Underline
Moratorium Memo
Business Industrial Areas Map

Senior Planner Sutton introduced the ordinance and addressed Council's questions.

Councilmember Schneider moved to remove the Business/Industrial zone from the moratorium entirely. Following discussion, Councilmember Schneider withdrew her motion.

MOTION: I move to adopt Ordinance No. 2018-43 and direct staff to come back to us with a proposal to fully eliminate the B/I zone [from the moratorium].
Blossom/Schneider: Motion carried 6 – 1.

AYES:	Sarah Blossom, Rasham Nassar, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina
NOES:	Ron Peltier
ABSENT:	None
ABSTAIN:	None

City Manager Smith noted that Council had asked to evaluate the live/work units use after six months, but due to the moratorium, this evaluation will take place six months from now.

8.C Consider Dissolving the Affordable Housing Task Force - Planning

Cover Page
Affordable Housing Task Force Instructions from City Council
Affordable Housing Task Force Final Report and Appendices

MOTION: I move to dissolve the Affordable Housing Task Force.
Nassar/Tirman: The motion was approved by unanimous consent.

8.D Creation of Council Ad Hoc Committee for Affordable Housing - Councilmember Blossom

Cover Page

Councilmember Blossom introduced the agenda item. Council decided it will be a public committee.

MOTION: I move to approve the creation of a Council ad hoc committee for affordable housing and amend the ad hoc committee formation request form to broaden the purpose and scope to include housing affordability in general.
Blossom/Peltier: Motion carried 4 – 3.

AYES:	Sarah Blossom, Ron Peltier, Matt Tirman, Leslie Schneider
NOES:	Rasham Nassar, Joe Deets, Kol Medina
ABSENT:	None
ABSTAIN:	None

9) NEW BUSINESS

9.A WestNet Interlocal Agreement - Police

Cover Page
WestNET Interlocal Agreement

MOTION: Rasham Nassar moved and Joe Deets seconded to approve I move to forward the WestNet Interlocal Agreement for approval with the November 27, 2018 Consent Agenda.
Nassar/Deets: The motion was approved by unanimous consent.

9.B Registered Sex Offender Address and Residency Verification MOU with Kitsap County Sheriff's Office - Police

Cover Page
2018-19 Registered Sex Offender Address and Residency Verification MOU

MOTION: I move to forward the Registered Sex Offender Address and Residency Verification Program Memorandum of Understanding for approval with the November 27, 2018 Consent Agenda.
Nassar/Schneider: The motion was approved by unanimous consent.

9.C Buoy Replacement and Maintenance Project Rejection of Bids - Public Works

Cover Page

Buoy Replacement and Maintenance Project Bid Form

Public Works Director Loveless introduced the agenda item.

MOTION: I move to reject all bids received for the Buoy Replacement and Maintenance Project and to authorize city staff to re-advertise the project at a future date.
Nassar/Tirman: The motion was approved by unanimous consent.

9.D 2019-21 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department - Executive
Cover Page
2019-2021 Fire Safety Services Agreement

City Manager Smith introduced the agenda item. Fire District Chief Teran commented on the excellent relationship with the City.

MOTION: I move to forward the Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department for approval with the November 27, 2018 Consent Agenda.
Nassar/Deets: The motion was approved by unanimous consent.

9.E Contract Amendment to the Legal Services Agreement for Prosecution Services with the Kitsap County Prosecuting Attorney's Office - Executive
Cover Page
Contract Amendment to the Legal Services Agreement for Prosecution Services
2019 Breakdown of KCPAO Attorney and Staff Costs

MOTION: I move to forward the Contract Amendment to the Legal Services Agreement for Prosecution Services with the Kitsap County Prosecuting Attorney's Office for approval with the November 27, 2018 Consent Agenda.
Nassar/Peltier: The motion was approved by unanimous consent.

9.F Resolution No. 2018-24 Amending the 2018 Fee Schedule to Update Fees for Obtaining Public Records - Executive
Cover Page
Resolution No. 2018-24 Amending Fee Schedule to Provide for Public Records Fees
Draft - 2018 Public Record Administrative Rules

City Clerk Brown responded to Council's questions on public records request fees. Mayor Medina asked for additional information.

MOTION: I move to forward Resolution No. 2018-24 to the November 27, 2018, Consent Agenda.
Nassar/Peltier: The motion was approved by unanimous consent.

10) CONSENT AGENDA

10.A Agenda Bill for Consent Agenda
Cover Page

10.B Accounts Payable and Payroll
Cover Page
Payroll.pdf
Report to Council of Cash Disbursements 11-14-18.pdf

Payroll: normal direct deposit check sequence 043134 - 043257 for $281,564.11; normal check sequence 108740-108742 for $4,411.69; vendor check run sequence 108743 - 108757 for $304,430.24; Federal Tax Electronic Funds Transfer for $105,768.64. Total disbursement=$696,174.68

Accounts Payable: last check number 348888 from previous run = $31.26; EFT check number 318 and 321; ACH check numbers 319 – 320; manual check number sequence 348889 – 349064. Total manual checks and electronic disbursements: $829,399.80; regular check run 348905 – 349058 = $355,203.33. Total disbursement = $1,184,603.13.

10.C City Council Study Session Minutes, October 2, 2018
Cover Page

CCMIN 100218 STUDY SESSION

10.D City Council Study Session Minutes, October 16, 2018
Cover Page
CCMIN 101618 STUDY SESSION

10.E Special City Council Meeting Minutes, October 20, 2018
Cover Page
CCMIN 102018 SPECIAL UTILITY TOUR

10.F City Council Regular Business Meeting Minutes, October 23, 2018
Cover Page
CCMIN102318 BUSINESS

10.G Special City Council Meeting Minutes, October 30, 2018
Cover Page
CCMIN 103018 SPECIAL

10.H Interlocal Agreement with Kitsap Conservation District for Agricultural Technical Assistance and Services - Public Works
Cover Page
2019-2020 ILA with Kitsap Conservation District Regarding Agricultural Assistance, Support, and Conservation

10.I Roadside Mower Purchase - Public Works

Cover Page
Roadside Mower Purchase - Quote

MOTION: I move to approve the Consent Agenda, as presented.
Peltier/Nassar: The motion was approved by unanimous consent.

11) COMMITTEE REPORTS

11.A Committee Reports

Cover Page
Environmental Technical Advisory Committee June 21, 2018 Minutes
Environmental Technical Advisory Committee October 18, 2018 Minutes
Lodging Tax Advisory Committee October 8, 2018 Minutes
Marine Access Committee October 6, 2018 Minutes
Multi-Modal Transportation Advisory Committee October 18, 2018 Minutes
Utility Advisory Committee October 3, 2018 Minutes
Utility Advisory Committee October 10, 2018 Minutes

Councilmember Peltier reported on past and upcoming Puget Sound Regional Council Growth Management Policy Board meetings.

12) FOR THE GOOD OF THE ORDER

Councilmember Peltier reported on the Indopino festival.

Councilmember Deets commented on the SAFE Mobility Levy and the clean energy initiative.

Council discussed meals at Council meetings.

Mayor Medina proposed Friday, January 18, 2019 for the Council retreat.

13) ADJOURNMENT

Mayor Medina adjourned the meeting at 9:53 p.m.

_____
Kol Medina, Mayor

_____
Christine Brown, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: WestNet Interlocal Agreement - Police,

STRATEGIC PRIORITY: Safe City

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Police

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
Since 1993, State, County, and City law enforcement agencies have participated in the multi-jurisdictional WestNET Task Force, which utilizes grant funding and combines resources to combat criminal activity. The Bainbridge Island Police Department has not participated in the WestNET Task Force in recent years, but is currently in a position to offer support and wishes to join.

FISCAL IMPACT:

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

BACKGROUND: The Interlocal Cooperation Act, Chapter 39.34 RCW, allows public agencies to enter into cooperative agreements for their mutual advantage.

Since 1993, State, County, and City law enforcement agencies have participated in the multi-jurisdictional WestNET Task Force, which utilizes grant funding and combines resources to combat criminal activity. Specifically, the Kitsap County Sheriff's Office (KCSO) traditionally receives grant funds from the Department of Commerce for the Byrne Justice Assistance Grant (JAG) multi-jurisdictional Drug-Gang Task Force Program to be used for a multi-jurisdictional task force for investigation and interdiction efforts of criminal organizations that are focused on and engaged in criminal enterprise activities around gangs, guns, and drug operations to reduce the availability, use, and trafficking of illegal drugs, guns, and the profits of criminal gang and drug organizations

The Bainbridge Island Police Department has not participated in the WestNET Task Force in recent years, but is currently in a position to offer support and wishes to join.

ATTACHMENTS:

WestNET Interlocal Agreement

FISCAL DETAILS:

Fund Name(s):

Coding:

INTERLOCAL COOPERATIVE TASK FORCE AGREEMENT
(WestNET)

THIS INTERLOCAL COOPERATIVE TASK FORCE AGREEMENT ("Agreement") is entered by and among Kitsap County, and the Counties, Cities, State, and federal agencies identified below, collectively referred to as the "Parties" and individually as a "Party":

City of Bainbridge Island	Drug Enforcement Administration
City of Bremerton	Naval Criminal Investigation Service
City of Gig Harbor	United States Postal Service Office of Inspector General
City of Port Orchard	
City of Poulsbo	Washington State Department of Corrections
City of Shelton	
Mason County	Washington State Patrol
Pierce County	

RECITALS

A. The Interlocal Cooperation Act, Chapter 39.34 RCW, allows public agencies to enter into cooperative agreements for their mutual advantage.

B. Since 1993, the Counties, Cities, and Washington State Patrol have participated in the WestNET multi-jurisdictional Task Force, through an interlocal cooperative agreement, to utilize grant funding and combine resources by centralizing enforcement activities to enhance law enforcement efforts to combat criminal activities.

C. The Kitsap County Sheriff's Office (KCSO) traditionally receives grant funds from the Department of Commerce for the Byrne Justice Assistance Grant (JAG) multi-jurisdictional Drug-Gang Task Force Program to be used for a multi-jurisdictional task force for investigation and interdiction efforts of criminal organizations that are focused on and engaged in criminal enterprise activities around gangs, guns, and drug operations to reduce the availability, use, and trafficking of illegal drugs, guns, and the profits of criminal gang and drug organizations.

D. In addition, the respective jurisdictions recognize that there is a substantial nexus between the activities of illegal drugs, guns, and gang activity and human trafficking (RCW 9A.88.150), sexual exploitation of children (RCW 9.68A.120), money laundering (RCW9A.83.030), and Criminal Profiteering (RCW 9A.82.100), all collectively referred to herein as "Criminal Activities".

E. The Parties desire to execute this Agreement to continue the operations of the task force, expand the purposes to include all Criminal Activities idenfied herein, include additional participating public agencies, and update the terms and conditions of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises and covenants, the Parties agree as follows:

SECTION 1. DEFINITIONS

1.1 For the purposes of this Agreement, the words and phrases listed below shall have the meaning prescribed to them in this section unless the context dictates otherwise:

1.1.1 “Participating Agency" or “Participating Agencies” means the Sheriff’s Office for Kitsap, Mason, and Pierce Counties, the Police Departments of the Cities of Bainbridge Island, Bremerton, Port Orchard, Poulsbo, Shelton, Gig Harbor, and the Washington State Patrol, the Washington State Department of Corrections, the Drug Enforcement Administration, the Naval Criminal Investigative Service, the United State Postal Service Office of Inspector General, and such other jurisdictions as authorized by the Advisory Board to be added as a Party to this Agreement in the future.

1.1.2 “Task Force” means this multi-jurisdictional Task Force composed of federal, state, and local law enforcement, prosecutors, and support personnel, and known as the WestNET Task Force, initially created pursuant to an interlocal agreement among participating agencies in 1993.

1.1.3 "Task Force Coordinator" means a Kitsap County Sheriff’s Office Lieutenant or above or his/her designee.

1.1.4 “Task Force Operation" means any law enforcement activity in which an investigator assigned to the Task Force takes a substantial part. Task Force operations may include law enforcement activity which the Participating Agency’s sole participation was to supply intelligence information to the arresting agency, or in which the Task Force provided follow-up support such as evidence processing, case preparation, warrant request, or follow-up investigation, if such intelligence or ancillary support is deemed substantial by the Advisory Board. In its reviewing capacity, as described herein, the Advisory Board shall determine whether such intelligence or ancillary support in any given case has been substantial enough to make the activity a Task Force operation.

1.1.5 "Task Force Operations Fund" means the fund administered by the Kitsap County Sheriff’s Office, on behalf of the Participating Agencies, to receive and disburse monies from the "WestNET Fund" for day-to-day operational purposes of the Task Force consistent with the law and funding source requirements.

1.1.6 "WestNET Fund" means the Task Force Operations Fund account within the Kitsap County Treasurer's Office, for the purpose of receipt and

disbursement of forfeiture funds and court ordered contributions in accordance with the terms of this Agreement.

SECTION 2. PURPOSE

2.1 The purpose of this Agreement is to provide for the joint and cooperative undertaking of the Parties to establish, implement, and manage the Task Force, identify those persons responsible for administering the Task Force, and define responsibilities as contemplated in RCW 39.34.030. In order to accomplish this purpose, the Task Force and Advisory Board does and must operate confidentially without public input. The Participating Agencies do not intend to create through this Agreement a separate legal or administrative entity subject to suit.

SECTION 3. DURATION

3.1 This term of this Agreement is June 30, 2018 through June 29, 2021, unless terminated or extended at the agreement of the Parties. This Agreement may be extended for additional consecutive three (3) year terms upon the written agreement of the Parties.

SECTION 4. GENERAL RESPONSIBILITIES OF THE PARTIES

4.1 Each Party acknowledges and agrees as follows:

4.1.1 Each Participating Agency will assign the equivalent of full and/or part-time investigator(s) and/or other personnel (e.g. intelligence analysts, support staff) to work in the Task Force, as enforcement needs require, and the respective departmental staff levels permit.

4.1.2 The Parties will work cooperatively to apply for grant funds that may be available from federal, state, or private sources, to be used in furtherance of Task Force purposes and objectives. Such cooperation includes providing all documentation necessary to receive grant funds. Each Party will make certified assurances required by grant contracts that are within its particular control, and make its records related to the Task Force activities available for inspection consistent with grant requirements.

4.1.3 Each Participating Agency, and its employees, shall act as an independent contractor and not as an employee of the Task Force or another Party to this Agreement. No Party shall have the authority to bind another Party nor control the employees, agents, or contractors of another Party to this Agreement. All rights, duties, and obligations of a Party shall remain with that Party.

4.1.4 Each Party shall be solely and exclusively responsible for the compensation, benefits, training expenses, costs, and expenses for its employees, unless otherwise provide herein. Each Party will be responsible for ensuring

compliance with all applicable laws, collective bargaining agreements, and civil service rules and regulations regarding its own employees.

4.1.5 Each Party shall be responsible for any insurance, repairs, fuel, maintenance, and damage to its equipment and vehicles operated by its employees while participating in the Task Force and shall hold the other Parties harmless for such damage.

4.1.6 Limitation. In accordance with RCW 10.93.040, all personnel assigned by a Participating Agency to participate in the Task Force shall remain the employees, for all purposes whatsoever, of the assigning Participating Agency, which shall be solely and exclusively responsible for that employee. The personnel assigned by a Participating Agency shall continue under the employment of his or her employer for purposes of any losses, claims, damages, or liabilities arising out of or related to any and all Task Force activities and/or operations. Each Party shall hold harmless, defend, and indemnify the other Parties in the Task Force in any action arising from or related to the acts or omissions of its own employees, including all costs of defense and attorneys' fees.

4.1.7 Personnel assigned to the Task Force shall conform to rules and procedures of their Participating Agency, as well as Task Force operating policy and procedures. Personnel shall comply with KCSO policy and procedures when functioning as a KCSO commissioned deputy. All disciplinary matters shall be the responsibility of the Participant's employer.

4.1.8 General Peace Officer Authority. Pursuant to RCW 10.93.070, a general authority Washington State peace officer assigned on a full or part-time basis to the Task Force shall have full police powers to carry out Task Force activities within the geographical area of Kitsap, Pierce, and Mason Counties when acting in the capacity of a member of the Task Force.

4.1.9 Task Force Reports. Reports of Task Force Operations shall be generated in the County electronic records management system, maintained as a KCSO record and assigned a KCSO case number.

4.1.10 Naval Criminal Investigation Service. NCIS participation shall be subject to the Addendum to WestSound Narcotics Enforcement Team Memorandum of Understanding 2015-2018, which is incorporated in full by this reference.

SECTION 5. FORFEITURE ACTIONS

5.1 The Civil Division of the Kitsap County Prosecutor's Office ("Prosecutor's Office") will advise and represent the Cities, Kitsap County, and the State in real and personal property forfeiture proceedings initiated by Task Force members and referred to the Prosecutor's Office. Any referred asset forfeiture accepted by the

Prosecutor's Office will be litigated in the name of Kitsap County on behalf of the Participating Agencies.

5.2 The Prosecutor's Office will have the right to control all aspects of the asset forfeiture cases referred to the Prosecutor's Office for litigation, including the right to decline a referral, to add or delete property from the referral, to determine the theory upon which the forfeiture is based, and to initiate, entertain, and negotiate settlements. The Prosecutor's Office will work cooperatively with the Participating Agencies in litigation matters and communicate all significant litigation and settlement decisions.

5.3 The Prosecutor's Office may also, under a separate written agreement by the respective elected Prosecuting Attorneys in Pierce and Mason County, represent Pierce and Mason County in real and personal property Task Force forfeiture proceedings in that county as a special Deputy Prosecuting Attorney.

5.4 For those cases referred to and handled by the Prosecutor's Office, the Prosecutor's Office shall receive a sum equal to ten percent (10%) of the forfeited cash and cash proceeds from sales of property forfeited to be used as authorized by the statute under which the forfeiture was ordered. The forfeiture proceeds shall be disbursed to the Prosecutor's Office upon the final conclusion, including any appeal, of each forfeiture proceeding referenced above. Notwithstanding the foregoing, this percentage may be adjusted on a case by case basis, with the prior consent of the Prosecutor's Office, for equitable purposes. In the alternative, the Prosecutor's Office may receive a sum for the actual attorney fees and court costs for forfeiture litigation when authorized by the statute under which the forfeiture was ordered. See Human Trafficking and Prostitution (RCW 9A.88.150), Criminal Profiteering (RCW 9A.82.100), and Sexual Exploitation of Children (RCW 9.68A.120). All attorney fees and court costs awarded to a Claimant in a forfeiture action shall be paid by the Parties in a pro rata portion to each Party's involvement in the seizure and forfeiture.

SECTION 6. ADVISORY BOARD

6.1 The Advisory Board shall function as the representative body for the Task Force and shall consist of the Chiefs of Police of the Cities of Bainbridge Island, Bremerton, Gig Harbor, Port Orchard, Poulsbo, and Shelton, the Sheriffs of Kitsap County, Mason County and Pierce County, the Kitsap County Prosecutor, the Chief of the Washington State Patrol, the Director of the Washington State Department of Corrections, the Supervisor in Charge of the Naval Criminal Investigative Service, the Supervisor in Charge of the Drug Enforcement Administration, and the United States Postal Service Inspector General or their respective designees.

6.2 The Advisory Board shall be responsible for policy and procedural guidance to the Task Force, the Task Force Coordinator and supervisors, and supervise the use of the WestNET Fund and Task Force Operations Fund. The Advisory Board shall

meet at least quarterly. The minutes of such meetings shall be retained by Kitsap County Sheriff's Office as required by law.

6.3 Each Participating Agency of the Advisory Board shall have an equal voice in all Advisory Board matters, as long as the Participating Agency has the equivalent of one full-time employee assigned to participate in WestNET. Any action taken by the Advisory Board under this Agreement shall be based on a majority vote.

6.4 The Advisory Board shall have the authority to add additional Parties to this Agreement subject to all terms and conditions of this Agreement. The chief officer of the law enforcement agency of any Party added to the Agreement may participate as a member of the Advisory Board as provided herein.

6.5 The Advisory Board may authorize extraordinary expenditures, which shall include without limitation, payment of overtime wages for persons providing services in support of Task Force activities.

6.6 Any controversy or dispute arising under this Agreement will be forwarded to the Task Force Advisory Board for resolution. The determination made by the Advisory Board shall be final and conclusive as between the Parties. This subsection shall not apply to issues of indemnity and liability governed elsewhere in this Agreement.

SECTION 7. GENERAL ADMINISTRATION, FUNDS, AND PROPERTY

7.1 All real and personal property, and proceeds from property forfeited, shall be managed and disbursed as authorized by the statute under which the forfeiture occurred.

7.2 The Task Force Coordinator shall determine whether real and personal property seized and forfeited in a Task Force operation is to be retained for use by the Task Force or sold.

7.3 The WestNet Fund shall be held by the Kitsap County Treasurer's Office, who will administer the WestNet Fund on behalf of the Parties for the purpose of receipt and disbursement of forfeiture funds and court ordered contributions in accordance with the terms of this Agreement, the standards and directions of the Advisory Board, and applicable laws. All interest earned on monies in the fund shall be credited to the WestNET Fund and remain therein until disbursed according to this Agreement.

7.4 All cash and cash proceeds from the sale of forfeited property seized by WestNET shall be delivered to the Kitsap County Treasurer's Office to be promptly deposited in the WestNET Fund. All cash and cash proceeds shall then be deposited in the WestNET Fund which shall be a separate fund and not commingled with Kitsap County's general fund. A copy of the Kitsap County Treasure's receipt and

transmittal form for each deposit in the WestNET Fund, identifying the forfeiture case by name and/or number, shall be provided to the Task Force Coordinator.

7.5 By January 31 of each year, the Kitsap County Treasurer's Office will remit to the State Treasurer an amount equal to ten percent of the net proceeds of any property forfeiture during the preceding calendar year if required by the statute under which the forfeiture occurred. A copy of the transmittal form will be provided to the Task Force Coordinator.

The net proceeds of forfeited property are the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest which the property is subject to at the time of the seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees and commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages. If applicable, the value of retained forfeited property if the fair market value. The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero. See applicable statute.

7.6 A Task Force Operations Fund will be administered by the KCSO and Task Force Coordinator, on behalf of the Participating Agencies, to receive and disburse monies from the WestNET Fund for day-to-day operational purposes of the Task Force consistent with the law and funding source requirements. The Task Force Operations Fund will be limited in amount to $50,000.00, or such other limit designated by the Advisory Board. The Task Force Operations Fund will be administered in accordance with the State Auditor's accounting standards for imprest investigative funds and such other standards as the Advisory Board may prescribe.

7.7 In the event that equipment is acquired for use by Task Force Participants, the Parties agree to use the equipment only for such law enforcement purposes as established by the Advisory Board and as authorized by the statute under which the forfeiture occurred, if applicable, or other funding source of the equipment.

7.8 The Advisory Board may reimburse the Cities, the Counties and the State Participating Agencies for overtime wages up to $10,000.00 dollars per year for overtime accrued when performing Task Force activities for personnel assigned to participate full-time in the Task Force. Reimbursement is subject to approval of the Advisory Board and the availability of funds in the WestNet Fund account.

7.9 Federal law enforcement agencies are prohibited from providing any form of funding to the WestNET Fund or the Task Force Operations Fund for the purpose of financially supporting the Task Force, nor can they be obligated in the future for any claims against these two funds. Neither agency nor its employees may receive any form of financial reimbursement from the two funds for any purpose or disbursement of seized property or assets without prior authorization from their respective chain of command.

7.10 The Parties intend that the forfeited cash, property, and/or proceeds will be used by the Participants of the Task Force for Task Force activities and operations and that no cash, property, and/or property proceeds will be disbursed to the Parties, unless otherwise expressly provided in this Agreement.

7.11 Each Party is responsible for adhering to applicable state and federal laws when accepting and using forfeited cash, property, and proceeds distributed to them. By accepting seizure funds, each Party acknowledges its compliance with state and federal laws regarding use, receipt, and expenditures of forfeited cash, property, and proceeds.

7.12 All property and equipment acquired for Task Force use may only be used for such law enforcement purposes as established by the Advisory Board and as authorized by the statute under which the forfeiture occurred, if applicable, or as authorized by the funding source of the equipment.

SECTION 8. DISSOLUTION

8.1 Withdrawal. Any Party may terminate their participation in this Agreement upon thirty (30) days prior written notice to the other Parties. The termination of a Party shall not automatically result in dissolution of the Task Force. A terminated Party assumes no responsibility for the acts or omissions occurring after the effective termination date but shall remain liable for acts or omissions occurring prior to the effective date of termination.

8.2 Dissolution. The Task Force may be dissolved in its entirety by unanimous vote of the Advisory Board. Upon dissolution, all property provided by Participating Agencies for use by Task Force Participants will be returned to the respective contributing agencies. All cash, property, and proceeds of the sale or disposition of any Task Force property (after payment of all costs of sale or outstanding obligations) will be distributed as follows: ten percent will go to the Prosecutor's Office and the remainder divided pro rata between the participating Cities, Counties and State agencies according to the number of hours spent in Task Force service by support, operational and command personnel of each Participating Agency during the term of this Agreement.

8.3 Notwithstanding anything to the contrary in this Agreement, all forfeited property and monies shall remain subject to the use and distribution restrictions of the statute under which the forfeiture occurred and as provided by law.

SECTION 9. NOTICE

9.1 All notices under this Agreement addressed to each Participating Agency's representative on the Advisory Board. All notices mailed by regular post (including first class) shall be deemed to have been given on the second business day following

the date of mailing, if properly mailed and addressed. Notices sent by certified or registered mail shall be deemed to have been given on the day next following the date of mailing, if properly mailed and addressed. For all types of mail, the postmark affixed by the United States Postal Service shall be conclusive evidence of the date of mailing.

SECTION 10. INDEMNIFICATION

10.1 Unless otherwise prohibited by law, each Party shall indemnify, defend, and hold harmless the other Parties, and the other Parties' officers, employees, and agents from any and all third-party allegations, complaints, losses, claims, damages, attorneys' fees, or costs for wrongful and/or negligent acts or omissions of the Party and/or its officers, employees, or agents relating to or arising out of Task Force activities. In the case of allegations, complaints, losses, claims, damages, attorneys' fees, or costs against more than one Party, any damages allowed shall be levied in proportion to the percentage of fault attributable to each Party, and each Party shall have the right to seek contribution from each of the other Parties in proportion to the percentage of fault attributable to each of the other Parties. The Parties shall cooperate and jointly defend any such matter to the fullest extent allowed by law. Nothing in this Agreement is intended to waive any defense under Title 51 RCW.

SECTION 11. GENERAL PROVISIONS

11.1 Nondiscrimination. No Party shall discriminate against any person on the basis of race, color, creed, religion, national origin, age, sex, marital status, sexual orientation, veteran status, disability, or other circumstance prohibited by federal, state, or local law, and each Party shall comply with Title VI of the Civil Rights Act of 1964, P.L. 88-354 and Americans with Disabilities Act of 1990 in the performance of the activities under this Agreement.

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

11.3 Amendment. This Agreement may be amended from time to time as deemed appropriate by the Parties, provided, any such amendment shall not become effective unless written and signed by all Participating Agencies with the same formality as this Agreement.

11.4 Integration. This Agreement contains all terms and conditions agreed upon by the Parties, except necessary operational agreements between Participating Agencies in furtherance hereof and supersedes any other agreement or understanding of the Parties relating to the subject matter of this Agreement. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties.

11.5 Severability. The provisions of this Agreement are severable. Any term or condition of this Agreement or application thereof deemed to be illegal, invalid, or

unenforceable, in whole or in part, shall not affect any other term or condition of the Agreement and the parties' rights and obligations will be construed and enforced as if the Agreement did not contain the particular provision.

11.6 Survival. Those provisions of this Agreement that by their sense and purpose should survive expiration or termination of the Agreement shall so survive. Those provisions include, without limitation, Section 4 (Responsibilities of the Parties), Section 11 (Indemnification), and Section 11.2 (Governing Law/Venue).

11.7 Recordation or Posting. This Agreement shall be filed with the Kitsap County Auditor's Office after execution of the Parties, or alternatively, listed by subject on the web site or other electronically retrievable public source in compliance with RCW 39.34.040.

11.8 No Third-Party Beneficiary. It is the specific intent of the Parties that this Agreement shall not confer third-party beneficiary status on any non-party, including but not limited to the citizens of any Party's jurisdiction.

11.9 Counterparts. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, with each counterpart deemed an original. In the event that fewer than all named parties execute this Agreement, the Agreement, when filed as provided herein, shall be effective as between the Parties that have executed the Agreement to the same extent as if no other parties had been named.

11.10 Authorization. Each party warrants and represents to the other Parties that the person signing below has been properly authorized and empowered to execute this Agreement on behalf of the Party for whom they sign and, if applicable, to waive sovereign immunity as required by this Agreement.

[*Signatures appear on the following pages*]

COUNTY OF KITSAP

APPROVED:

_____
GARY SIMPSON,
Kitsap County Sheriff

APPROVED AS TO FORM:

_____
TINA R. ROBINSON
Kitsap County Prosecuting Attorney

APPROVED:

KITSAP COUNTY BOARD OF COMMISSIONERS
PORT ORCHARD, WASHINGTON

_____ Dated: _____
ROBERT GELDER, Chair

_____ Dated: _____
EDWARD E. WOLFE, Commissioner

_____ Dated: _____
CHARLOTTE GARRIDO, Commissioner

ATTEST

_____
Dana Daniels, Clerk of the Board

COUNTY OF MASON

APPROVED:

_____
CASEY SALISBURY
Mason County Sheriff

APPROVED AS TO FORM:

_____
MICHAEL DORCY
Mason County Prosecuting Attorney

APPROVED:

MASON COUNTY BOARD OF COMMISSIONERS
SHELTON, WASHINGTON

_____ Dated: _____
RANDY NEATHERLIN, Chair

_____ Dated: _____
TERRI DREXLER, Commissioner

_____ Dated: _____
KEVIN SHUTTY, Commissioner

ATTEST

_____
Melissa Drewry, Clerk of the Board

CITY OF PORT ORCHARD

APPROVED:

_____
GEOFFREY C. MARTI
Chief of Police

Dated: _____

APPROVED:

_____
ROBERT PUTAANSUU
Mayor

Dated: _____

APPROVED AS TO FORM:

_____
SHARON CATES, City Attorney

ATTEST:

_____
Brandy Rinearson, City Clerk

CITY OF SHELTON

APPROVED:

_____
DARRIN MOODY
Chief of Police

Dated: _____

APPROVED:

_____
GARY CRONCE
Mayor

Dated: _____

APPROVED AS TO FORM:

_____
KRISTIN FRENCH, City Attorney

ATTEST:

_____
Jamie Ogg, City Clerk

CITY OF BREMERTON

APPROVED:

_____
JAMES BURCHETT
Chief of Police

Dated: _____

APPROVED:

_____
GREG WHEELER
Mayor

Dated: _____

APPROVED AS TO FORM:

_____
ROGER LUBOVICH, City Attorney

ATTEST:

_____
Shannon L. Corin, City Clerk

WASHINGTON STATE PATROL

APPROVED:

_____
JOHN R. BATISTE
Chief

Dated: _____

APPROVED AS TO FORM:

_____
Assistant Attorney General

BUDGET and FISCAL SERVICES

By: _____

CITY OF BAINBRIDGE ISLAND

APPROVED:

_____
Morgan Smith
City Manager

Dated: _____

APPROVED AS TO FORM:

_____
JOE LEVAN, City Attorney

ATTEST:

_____
Christine Brown, City Clerk

CITY OF GIG HARBOR

APPROVED:

_____
KELLY BUSEY
Chief of Police

Dated: _____

APPROVED:

_____
KIT KUHN
Mayor

Dated: _____

APPROVED AS TO FORM:

_____
_____, City Attorney

ATTEST:

_____
_____, City Clerk

COUNTY OF PIERCE

APPROVED:

_____
PAUL A. PASTOR,
Pierce County Sheriff

Dated: _____

APPROVED AS TO FORM:

_____
MARK LINDQUIST
Pierce County Prosecuting Attorney

Dated: _____

APPROVED

PIERCE COUNTY COUNCIL MEMBERS
TACOMA, WASHINGTON

_____ Dated: _____

_____ Dated: _____

_____ Dated: _____

_____ Dated: _____

_____ Dated: _____

_____ Dated: _____

_____ Dated: _____

ATTEST

_____
Denise Johnson, Clerk of the Council
CITY OF POULSBO

APPROVED:

_____
DANIEL SCHOONMAKER
Chief of Police

Dated: _____

APPROVED:

_____
BECKY ERICKSON
Mayor

Dated: _____

APPROVED AS TO FORM:

_____
_____, City Attorney

ATTEST:

_____
Rhiannon Fernandez, City Clerk

NAVAL CRIMINAL INVESTIGATIVE SERVICE

APPROVED:

_____
CHARLES P. KING
Special Agent in Charge

Dated: _____

APPROVED AS TO FORM:

_____
Assistant Attorney General

UNITED STATES POSTAL SERVICE
OFFICE OF INSPECTOR GENERAL

APPROVED:

_____

_____

Dated: _____

APPROVED AS TO FORM:

_____

_____

NAVAL CRIMINAL INVESTIGATIVE SERVICE

APPROVED:

_____
CHARLES P. KING
Special Agent in Charge

Dated: _____

APPROVED AS TO FORM:

_____
Assistant Attorney General

DEPARTMENT OF CORRECTIONS

APPROVED:

_____
Director

Dated: _____

APPROVED AS TO FORM:

_____
Assistant Attorney General

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Registered Sex Offender Address and Residency Verification MOU with Kitsap County Sheriff's Office - Police,

STRATEGIC PRIORITY: Safe City

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Police

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
Consideration of a Memorandum of Understanding with the Kitsap County Sheriff's Office, under which the City would receive $1,000 in grant funding to conduct face-to-face verification of the place of residence of all registered sex/kidnapping offenders living on Bainbridge Island.

FISCAL IMPACT:

Amount:	$1,000
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	Yes

BACKGROUND: The Washington Association of Sheriffs and Police Chiefs provides annual grant funding to law enforcement agencies participating in the Registered Sex/Kidnapping Offender Address & Residency Verification Program through the Kitsap County Sheriff's Office. Participating law enforcement agencies receive grant funds to help offset the cost of making face-to-face contact with offenders in their jurisdiction to verify their place of residence. Currently, there are nine registered sex offenders living on Bainbridge Island, meaning that the City is eligible to receive $1,000 in grant funding.

ATTACHMENTS:

2018-19 Registered Sex Offender Address and Residency Verification MOU

FISCAL DETAILS:

Fund Name(s): General Fund

Coding:

Memorandum of Understanding

Registered Sex/Kidnapping Offender Address and
Residency Verification Program for 2018-2019

This WASPC Grant is for a one-year period July 1st, 2018 and ending June 30th, 2019.
The total award for Kitsap County for 2018-19 is $171,340.69.

The requirement of this program is for face-to-face verification of a registered offender's place of residence. The requirements being set for the Kitsap County Sheriff's Office (KCSO) and other participants are the following:

1. **Face to face verification of a registered offender's place of residence.**
   - **A. For Level I offenders, once every twelve (12) months;**
   - **B. For Level II offenders, once every six (6) months;**
   - **C. For Level III offenders, every three (3) months.**

2. **Written documentation of face-to-face verification.**
   - **A. Agencies must submit a contact sheet for each offender contact in accordance with the above-mentioned verification schedule.**
   - **B. Contact sheets must be submitted to KCSO annually, by July 5th, 2019, for Level I registered offenders.**
   - **C. Contact sheets must be submitted to KCSO bi-annually, by January 4th, 2019 & July 5th, 2019, for Level II registered offenders.**
   - **D. Contact sheets must be submitted to KCSO quarterly, by October 5th, 2018, January 4th, 2019, April 5th, 2019, and July 5th, 2019, for Level III registered offenders.**

If an officer attempts to contact a registered offender and determines that the offender no longer resides at the address he/she is registered, the officer shall complete an Incident/Investigative Report indicating the details of their investigation and forward the report to the Kitsap County Sheriff's Office Detective Division for follow up investigation. The Kitsap County Sheriff's Office will complete the necessary investigation and documentation to provide to the Kitsap County Prosecutor's Office for a charging decision for "Failure to Register".

3. **Community Notification on Level III Offenders:**
   - A. Each agency shall send a press release to the local media on any new Level III offender within their jurisdiction.
   - B. Each agency should conduct a community notification meeting on any new registered Level III offender within their jurisdiction.

The Kitsap County Sheriff's Office will continue to register all sex offenders and kidnapping offenders residing in Kitsap County as required by law.

The Kitsap County Sheriff's Office will continue to monitor all offenders registered as "transient" within Kitsap County on a weekly basis as required by law.

The Kitsap County Sheriff's Office will follow up on all incident/investigative reports of "Failure to Register", submitted by other municipal agencies with Kitsap County and those offenders who are registered within the Kitsap County Sheriff's Office jurisdiction.

The Kitsap County Sheriff's Office will maintain a master file on each registered offender within Kitsap County.

The Kitsap County Sheriff's Office will be responsible for completing and submitting the necessary reports/documents to WASPC as required by this program.

As of July 2nd, 2018, there are 816 registered offenders within Kitsap County. The following are the number of offenders currently registered in each of the agencies' jurisdiction.

Offenders registered within the City of Bremerton- 208
Offenders registered with the City of Port Orchard- 29
Offenders registered with the City of Poulsbo- 8
Offenders registered with the City of Bainbridge Island – 9

Participating agencies will receive a percentage of the awarded monies. In determining the percentage, the following method will be utilized to determine the amount:

1. The percentage of offenders within your jurisdiction in relationship to the total registered offenders within Kitsap County.
2. That percentage of the total award amount minus 50% is your total award amount.

Example: 816 registered offenders within Kitsap County, with 82 offenders within an agency's jurisdiction is 10 % of the total offenders.

10% times the award amount (i.e. $171,340.69) = $17,134.07 X 50% = $8,567.03.

- A minimum of $1,000 will be awarded to each participating agency.

The City of Bainbridge Island has 1% of Kitsap County's registered offenders.

The 2018-19 award amount is $1,000.

APPROVED:

By:_____

Morgan Smith, City Manager
City of Bainbridge Island

Dated: _____

APPROVED:

By:_____

Gary Simpson, Sheriff
Kitsap County Sheriff's Office

Dated: _____

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 2019-21 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department - Executive,

STRATEGIC PRIORITY: Safe City

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
The City contracts with the Bainbridge Island Fire Department for certain fire safety services, including plan reviews, fire safety inspections, and outdoor burn permits. The current agreement expires on December 31, 2018. Attached for the City Council's consideration is a new three-year agreement with the Fire Department for these services, which would replace the expiring agreement.

FISCAL IMPACT:

Amount:	$180,000
Ongoing Cost:	$180,000
One-Time Cost:	
Included in Current Budget?	Yes

BACKGROUND: The City contracts with the Bainbridge Island Fire Department, a separate municipal corporation, for certain fire safety services, including plan reviews, fire safety inspections, and outdoor burn permit administration. The current agreement expires on December 31, 2018. Attached for the City Council's consideration is a new three-year agreement with the Fire Department for these services, which would replace the expiring agreement.

As part of the Fire Department's normal operations, and without cost to the City, the Fire Department provides the following basic services within the City:

- Fire Suppression Services;
- Emergency Medical Services;
- Hazardous Material Incident Response Services;
- International Fire Code Fire Investigation Services; and
- Training.

In addition, the Fire Department and the City collaborate to provide the following shared services as part of each jurisdiction's general service delivery:

- Fire Prevention Services;
- Fire Code Policy Development; and
- Outdoor Burning Complaint Investigation & Enforcement.

The proposed Interlocal Agreement for Fire Safety Services sets forth the terms under which the Fire Department will provide certain other services to the City above and beyond those basic or shared services described above. In particular, the proposed Interlocal Agreement provides greater clarity than the expiring agreement on what Fire Department services will be provided under the terms of the Interlocal Agreement versus those services provided as part of the Fire Department's regular work. Attachment A to the proposed Interlocal Agreement describes these services in more detail.

For reference, the current agreement with the Fire Department was for a three-year term, expiring on December 31, 2018, with an annual service fee of $160,000, which, pursuant to the terms of the agreement, was adjusted for inflation in 2017 and again in 2018, resulting in the City paying an annual service fee of $168,096 in 2018.

ATTACHMENTS:

2019-2021 Fire Safety Services Agreement

FISCAL DETAILS:

Fund Name(s): General Fund

Coding:

Interlocal Agreement for Fire Safety Services

THIS INTERLOCAL AGREEMENT FOR FIRE SAFETY SERVICES ("Agreement") is made and entered into by and between the City of Bainbridge Island, a Washington State municipal corporation, ("City") and Kitsap Fire Protection District No. 2, a Washington State municipal corporation, ("Bainbridge Island Fire Department" or "Fire Department"). This Agreement is entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

1. PURPOSE OF AGREEMENT

As part of the Fire Department's normal operations, and without cost to the City, the Fire Department provides the following basic services within the City:

- Fire Suppression Services;
- Emergency Medical Services;
- Hazardous Material Incident Response Services;
- International Fire Code Fire Investigation Services; and
- Training.

In addition, the Fire Department and the City collaborate to provide the following shared services as part of each jurisdiction's general service delivery:

- Fire Prevention Services;
- Fire Code Policy Development; and
- Outdoor Burning Complaint Investigation & Enforcement.

This Agreement sets forth the terms under which the Fire Department will provide certain other services to the City above and beyond those basic or shared services described above.

2. TERM AND TERMINATION

A. This Agreement shall be effective January 1, 2019, and, unless terminated as provided under this Agreement, shall continue in full force and effect through December 31, 2021.

B. This Agreement may be terminated by either party without cause upon 180 days' written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Fire Department pursuant to this Agreement shall be submitted or returned to the City, and the Fire Department will be entitled to just and equitable compensation in the form of a percentage of the annual lump sum payment owed under this Agreement. Such percentage shall correspond to the number of months in the year that any satisfactory work was completed prior to the date of termination, with the remainder of the annual lump sum payment being returned to the City.

3. PAYMENT

A. In consideration of the services provided by the Fire Department under this Agreement, the City shall, beginning January 1, 2019, annually make a lump sum payment of one hundred and eighty thousand dollars ($180,000) to the Fire Department for the duration of this Agreement.

B. The annual lump sum payment will be adjusted on January 1, 2020, and then again on January 1, 2021, based on the June to June Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Seattle-Tacoma-Bellevue metropolitan statistical area. This adjustment shall be not less than 0% and not more than 3% annually.

4. FIRE DISTRICT RESPONSIBILITIES

The Fire Department shall provide the services described in **Attachment A** to the City pursuant to the terms of this Agreement.

5. CITY RESPONSIBILITIES

A. The City agrees that it will appoint the Fire Chief and the Fire Marshal of the Fire Department as the Fire Chief and Fire Marshal of the City for the purpose of enforcing the International Fire Code pursuant to this Agreement.

B. The City agrees that in the event that the Fire Department requests police assistance at the scene of any emergency within the City limits, the City shall exercise best efforts to provide the necessary police support services, if available.

C. For the term of this Agreement, the City agrees to enact and apply the International Building Code and the International Fire Code at a level at least equal to the codes required under state law.

D. The City agrees that all court costs and other legal services incurred in the enforcement of the International Fire Code within City limits shall be paid by the City and shall not be considered an operating expense of the Fire Department.

E. The City agrees to consult with the Fire Department in the preparation and enactment of any codes relating to access for emergency vehicles, addressing, fire flow requirements, general fire safety, and fire protection system requirements.

F. The City agrees to not issue building permits for any new or remodeled building or structure subject to the requirements of the International Fire Code until the Fire Department has reviewed and approved a fire protection plan for the building or structure. The Fire Department agrees that its approval or disapproval will issue within four weeks from the time a fully completed fire protection plan is received by the Fire Department.

G. The City agrees that the City Building Official will not issue a temporary or a permanent certificate of occupancy for any new or remodeled building or structure subject to the requirements of the International Fire Code until the Fire Department has conducted a final inspection of all fire protection requirements and verified that the requirements are met, provided that the Fire Department shall conduct a final inspection after receiving a notification from the City Building Official to carry out a final inspection in accordance with current policy and practice.

H. Pursuant to BIMC 20.12.050 and BIMC 20.12.060, the City agrees to appoint the Fire Chief as its agent for administration of outdoor burning permits, which shall include responsibility for the issuance of outdoor burning permits, investigation of complaints regarding outdoor burning, and the determination of whether instances of outdoor burning are legal or illegal.

I. The City agrees to be responsible for initiating or conducting any court proceedings for the enforcement of the International Fire Code and the requirements of the City Code.

J. The City may charge developers or property owners for services related to this Agreement, as provided for in the most current fee schedule adopted by the City Council. All fee collections will be administered by the City, unless delegated by the City in writing, and all revenues will be deposited in City funds. The Fire Department shall not charge developers or property owners for services related to this Agreement, unless authorized in writing by the City.

K. The City agrees to notify the Fire Department by telephone and in writing if the City: makes any changes in the road or street network within the City; temporarily or permanently closes any road or street to vehicular traffic; or becomes aware of any changes or interruptions in the water service to any area within the City.

6. CHANGES TO CITY CODE

If the City adopts any ordinance that changes the scope of services provided by the Fire Department under the terms of this Agreement, the parties agree to renegotiate the affected provisions of this Agreement as well as the payment provisions of this Agreement.

7. HOLD HARMLESS AND INDEMNIFICATION

A. The Fire Department shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Fire Department in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the City. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the City, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Fire Department.

B. The City shall defend, indemnify, and hold the First Department, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from the acts, errors, or omissions of the City in performance of this Agreement, except for injuries and damages caused by the negligence, criminal acts, or willful misconduct of the Fire Department. If such claims, injuries, damages, losses, or suits, including attorney fees, are caused by or result from the concurrent negligence of the Fire Department, its officers, agents, employees, or volunteers, then this indemnity provision shall be valid and enforceable only to the extent of the negligence of the City.

C. It is further specifically and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under industrial insurance, Title 51 RCW, solely to carry out the purposes of this indemnification clause. The parties further acknowledge that they have mutually negotiated this waiver.

D. The provisions of this section shall survive the expiration of this Agreement and shall also survive and remain in effect in the event that a court or other entity with jurisdiction determines that this Agreement or any portion thereof is not enforceable.

8. INSURANCE

The Fire Department shall provide insurance coverage for all operations, facilities, equipment, and personnel of the Department. The insurance shall include all risk property insurance, insuring Fire Department equipment and buildings at replacement cost; comprehensive general liability insurance with a minimum policy limit of $2,000,000 per occurrence; errors and omissions insurance including civil rights coverage, covering the actions of the Fire Department and the legislative body of the Fire Department; auto insurance, including comprehensive and collision coverage at agreed replacement cost and liability coverage with a minimum policy limit of $2,000,000 per occurrence; boiler and machinery insurance and a fidelity bond covering the actions of Fire Department personnel. The Department shall furnish to the City appropriate documentation showing that such coverage is in effect and that the City is named as an additional insured on the policies where permitted by the insurance carrier.

9. NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:	City of Bainbridge Island 280 Madison Avenue North Bainbridge Island, WA 98110 Attention: City Manager
To the Fire Department:	Bainbridge Island Fire Department 8895 Madison Ave, NE Bainbridge Island WA 98110 Attention: Fire Chief

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

10. NON-EXCLUSIVE AGREEMENT

This Agreement does not preclude either party from entering into similar agreements with other municipal corporations, provided that any such agreements entered into by the Fire Department shall not result in any decrease in service to the City under this Agreement.

11. COMPLIANCE WITH RCW 39.34.040

Pursuant to RCW 39.34.040, this Agreement shall be filed with the Kitsap County Auditor.

12. NO SEPARATE ENTITY

It is not contemplated that, as a result of this Agreement, any property, real or personal, will be jointly acquired by the parties to this Agreement. This Agreement does not establish or create a separate fund or legal entity. Neither party is authorized to bind the other to any contract or obligation. Each party to this Agreement shall be responsible for its own budgeting.

13. SEVERABILITY

If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected if both parties agree, in writing, that such remainder continues to serve the purposes and objectives of both parties.

14. EXTENT OF AGREEMENT AND MODIFICATION

This Agreement, together with **Attachment A**, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

15. GOVERNING LAW

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

16. VENUE

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

17. NO THIRD-PARTY BENEFICIARY

This Agreement is entered into for the benefit of the City and the Fire Department only. In executing this Agreement, the City and the Fire Department do not confer any benefits, direct or implied, on any third parties.

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

BAINBRIDGE ISLAND FIRE DEPARTMENT	CITY OF BAINBRIDGE ISLAND
Date:_____	Date:_____
By:_____	By:_____
Hank Teran, Fire Chief	Morgan Smith, City Manager

Attachment A
Fire Department Scope of Services

The Fire Department will provide the following services to the City under the terms of this Agreement.

1. ON-SITE CONSTRUCTION INSPECTIONS

The Fire Department will ensure that fire protection systems are installed according to plan and observe field tests to ensure systems are working properly. The Fire District will make sure that all general fire protection requirements have been met and approve a certificate of occupancy.

2. COMMERCIAL BUILDING FIRE SAFETY INSPECTION PROGRAM

A. To ensure compliance with the International Fire Code, the Fire Department will conduct annual inspections of both commercial and multi-family residential properties located on Bainbridge Island. Violations of the International Fire Code will be addressed in accordance BIMC 20.04.040 and related provisions of the International Fire Code, City Code, and state law.

B. If the Fire Chief determines, in good faith, that circumstances are such that annual inspections of all commercial and multi-family residential properties within the City are not feasible due to resource constraints, the Fire Chief may prioritize inspections of commercial and multi-family residential properties that pose the greatest hazard to public safety and welfare. At the request of the City Manager, the Fire Chief will, in writing, outline and describe such resource constraints and, if requested, provide related records to the City for inspection.

3. BUSINESS LICENSE INSPECTIONS

At the time of the annual fire and life safety inspections of commercial properties, the Fire Department shall confirm that each business has a valid City of Bainbridge Island business license. If a business is operating without a business license, the Fire Department will notify the City's Finance Director, or her or his designee.

4. CONFIDENCE TESTING OF AUTOMATED FIRE PROTECTION SYSTEMS

As required by the International Fire Code, the Fire Department will review submitted confidence test reports of automated fire protection systems in commercial and multi-family buildings.

5. DEVELOPMENT PLAN REVIEW AND INSPECTIONS

The Fire Department will attend pre-application meetings as requested by the City. The Fire Department will review development plans, including, but not limited to: site plans, subdivisions, short plats, conditional use permits, planned unit developments, and variances. The Fire Department will consult with property owners, developers, architects, engineers, and contractors as requested. The Fire Department's review will focus on conformance with the City's fire code, and the review will include such items as access for emergency vehicles, adequacy of water supply for fire suppression, general life safety requirements, and fire protection system requirements involving such items as sprinklers, fire hydrants, underground waterlines, and alarms.

6. CONSTRUCTION DRAWING PLAN REVIEWS

The Fire Department will review detailed construction drawings associated with new or existing structures and fire protection systems subject to the requirements of the City's fire code. The Fire Department will consult with property owners, developers, architects, engineers, and contractors as requested. The Fire Department will review other types of construction drawings as requested by the City when Fire Department expertise is needed. The Fire Department will ensure that any building and required fire protection system complies with the International Fire Code and other applicable City ordinances. Fire protection systems may include one or more of the following elements depending on the type of occupancy: sprinklers, fire alarms, fixed extinguishing systems (e.g., range hood systems), hydrants, and underground waterlines.

7. FIRE FLOW TESTING SERVICES

When requested by the City, the Fire Department will review proposed extensions of, or modifications to, existing water systems to assess the adequacy of existing water supply for fighting fires.

8. OUTDOOR BURNING PERMITS

A. As allowed by state law and the Bainbridge Island Municipal Code, the Fire Department will issue written permits for legal forms of outdoor burning. An applicant for an outdoor burning permit may only be charged the fee or fees authorized by City resolution, in accordance with BIMC 20.12.050.C.

B. The Fire Department will respond to complaints regarding outdoor burning and determine whether the outdoor burning is legal or illegal. The Fire Department will take any corrective actions necessary to control or extinguish an illegal or out of control fire.

C. The Fire Department will report violations of the City's outdoor burning regulations to the City's Code Enforcement Officer, who will enforce the City's outdoor burning regulations in accordance with the provisions of the City Code, including BIMC 20.12.060.

9. ADDRESS ISSUANCE

A. In accordance with Chapter 12.16 BIMC, the City has the sole authority to assign an address to structures within the City. When the City receives a request for a new address, the City shall refer the request to the Fire Department for investigation and an address recommendation. The Fire Department will investigate the structure requiring a new address and recommend to the City an address that would comply with the requirements of the City Code. The City will retain discretion to adopt or reject the Fire Department's recommendation.

B. The Fire Department will report to the City any instances of a structure that is not correctly addressed or is not using the correct address.

10. FIRE DEPARTMENT PERSONNEL PERFORMING SERVICES UNDER THIS AGREEMENT

A. The Fire Chief, or the Fire Chief's designee, will establish the training levels, experience, and certification requirements for Fire Department personnel performing services under the terms of this Agreement and will notify the City Manager, or the City Manager's designee, of these requirements and any changes thereto that occur during the term of this Agreement.

B. Fire Department personnel shall cooperate with the City staff as needed to carry out the purposes of this Agreement. The City and the Fire Department agree that operational procedures shall be jointly prepared to govern the scheduling and performance of services performed under this Agreement.

11. ANNUAL AND QUARTERLY REPORTS

The Fire Department agrees to provide the City with a copy of its annual report, together with quarterly reports within forty-five days of the end of each calendar quarter indicating the number and nature of the responses by the Fire Department that occur each quarter within the City. The Fire Department shall keep records of its services for the City.

12. CITY COUNCIL MEETINGS

The Fire Chief, or her or his designee, shall attend all meetings of the City Council when requested to do so by the City Council or the City Manager.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Contract Amendment to the Legal Services Agreement for Prosecution Services with the Kitsap County Prosecuting Attorney's Office - Executive,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Contract **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Approve with Consent Agenda.

SUMMARY:
A proposed contract amendment extending the term of the Legal Services Agreement for Prosecution Services with the Kitsap County Prosecuting Attorney's Office.

FISCAL IMPACT:

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

BACKGROUND: Over the past several years, the City has contracted with the Kitsap County Prosecuting Attorney's Office (KCPAO) for prosecution services. As in past years, a contract amendment is necessary to continue that service from year to year. This amendment would extend the service through December 31, 2019.

The current contract amount is $110,965. This amendment would increase the annual cost to $112,948 for 2019. The difference in cost is due to increased attorney and staffing costs for the County. Attached is a breakdown of the attorney and staffing costs to KCPAO to provide prosecution services to the City.

ATTACHMENTS:

Contract Amendment to the Legal Services Agreement for Prosecution Services

2019 Breakdown of KCPAO Attorney and Staff Costs

FISCAL DETAILS:

Fund Name(s):

Coding:

Kitsap County

CONTRACT REVIEW SHEET

(Chapter 3.56 KCC)

A. GENERAL INFORMATION

1. Contractor: City of Bainbridge Island
2. Purpose: Provide prosecution legal services
3. Contract Amount: $112,948.00 Disburse [ ] Receive [X]
4. Contract Term: January 1, 2019 – December 31, 2019
5. Contract Administrator: Jacquelyn Aufderheide Phone: 360.337.4973

Approved: _____ **Date** _____

Department Director

B. AUDITOR – ACCOUNTING INFORMATION

1. Contract Control Number: KC-361-14D
2. Fund Name: Legal services
3. Payment from-Revenue to CC/Account Nbr: 9081.3380.15
4. **Encumbered By** **Date**

C. AUDITOR'S ACCOUNTING – GRANTS REVIEW

Signature required only if contract is grant funded

1. [ ] Approved [ ] Not Approved

Reviewer _____ **Date** _____

2. Comments:

D. ADMINISTRATIVE SERVICES DEPARTMENT – RISK MANAGER REVIEW

1. [ ] Approved [ ] Not Approved

Reviewer _____ **Date** _____

2. Comments: _____

E. ADMINISTRATIVE SERVICES DEPARTMENT – BUDGET MANAGER REVIEW

Signature required only if contract is for $50,000 or more, OR it will be signed by board of commissioners (regardless of dollar amount)

1. [ ] Approved [ ] Not Approved

Reviewer **Date**

2. Comments:

F. PERSONNEL DEPARTMENT – PERSONNEL DIRECTOR REVIEW

Signature required only if union or employment contract

1. [ ] Approved [ ] Not Approved

Reviewer _____ **Date** _____

2. Comments:

G. PROSECUTING ATTORNEY REVIEW

1. [ ] Approved as to Form [ ] Not Approved as to Form

Reviewer _____ **Date** _____

2. Comments:

H. CERTIFICATION BY CONTRACT ADMINISTRATOR: THIS CONTRACT IS READY FOR CONSIDERATION BY THE AUTHORIZED CONTRACT SIGNER.

(For contract signing authority, see KCC 3.56.075)

Contract Administrator_____ **Date** _____

Date Approved by Authorized Contract Signer: **Date** _____

RETURN SIGNED ORIGINALS TO: **Carrie Bruce, MS-35A (x4814)**

Meeting Date:
Agenda Item No:

Kitsap County Board of Commissioners

Department: Kitsap County Prosecuting Attorney's Office
Staff Contact: Tina R. Robinson, Jacquelyn Aufderheide
Title: Legal Services Agreement (Prosecution Services)

Recommended Action: Move that the Board of County Commissioners execute the Legal Services Agreement Amendment (Prosecution Services) with the City of Bainbridge Island

Summary:	This Amendment allows the Kitsap County Prosecuting Attorney's Office to continue providing prosecution services to the City of Bainbridge Island as assigned. The County will be compensated $112,948 during 2019 for providing these services.
Attachments:	1. Contract Amendment – KC-361-14C 2. Contract Amendment – KC-361-14B 3. Contract Amendment – KC-361-14A 4. Legal Services Agreement (Prosecution Services) KC-361-14

Fiscal Impact for this Specific Action

Expenditure required for this specific action:	No direct expenditures. Indirect expenditures include attorneys and support staff time, etc., which are included.
Related Revenue for this specific action:	$112,948.00
Cost Savings for this specific action:	n/a
Net Fiscal Impact:	n/a
Source of Funds:	n/a

Fiscal Impact for Total Project

Project Costs:	n/a
Project Costs Savings:	n/a
Project Related Revenue:	$112,948.00
Project Net Total:	$112,948.00

Fiscal Impact (DAS) Review

Departmental/Office Review & Coordination

Department/Office	**Elected Official/Department Director**	

Contract Information

Contract Number	**Date Original Contract or Amendment Approved**	**Amount of Original Contract Amendment**	**Total Amount of Amended Contract**
KC-361-14	12/08/2014	$98,011.00	
KC-361-14A		$102,409.00	$200,420.00
KC-361-14B		$109,422.00	$309,842.00
KC-361-14C		$110,965.00	$420,807.00

CONTRACT AMENDMENT

LEGAL SERVICES AGREEMENT
Prosecution Services

This CONTRACT AMENDMENT is made and entered into between the City of Bainbridge Island (the "City") and the Kitsap County Prosecuting Attorney (the "Prosecutor") pursuant to the provisions of Chapter 39.34 RCW (Interlocal Cooperation Act).

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Contract, numbered as Kitsap County Contract No. KC-361-14 (Contract) executed on December 8, 2014, shall be amended as follows:

1. Effective January 1, 2019, Section 5, Compensation, shall be amended to change the annual cost to $112,948.00 beginning on January 1, 2019, and shall be paid in equal monthly installments.

2. Section 3, Term of Agreement, shall be amended extending the term of the Agreement through December 31, 2019.

3. All other provisions of the Contract shall remain unchanged and in full force and effect.

Dated this ___ day of _____, 2018.

CITY OF BAINBRIDGE ISLAND

_____
Morgan Smith
City Manager

Dated this ___ day of _____, 2018.

KITSAP COUNTY
PROSECUTING ATTORNEY

_____
Tina R. Robinson
Kitsap County Prosecuting Attorney

BOARD OF COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____
Robert Gelder, Chair

ATTEST:

_____
Dana Daniels, Clerk of the Board

_____
Edward E. Wolfe, Commissioner

_____
Charlotte Garrido, Commissioner

EXHIBIT A: SCOPE OF WORK

The Prosecutor will provide the full range of criminal prosecution and civil infraction enforcement (i.e., prosecution/case management, legal advisor and special projects as required) to the City's commissioned officers and other enforcement personnel as applicable.

I. MUNICIPAL COURT

A. Appearance and Preparation for All Regularly Scheduled Monthly Calendars as Follows:
   1. Non-jury trials
   2. Motion calendars
   3. Jury readiness calendars
   4. Contested infractions calendars, including administrative hearings and traffic hearings, but only in cases where a Notice of Appearance has been filed by a licensed attorney and/or as otherwise agreed by the parties
   5. Jury trial calendars
   6. Arraignments
   7. Sentencings
   8. Revocation hearings
   9. Motions
   10. Preliminary hearings (probable cause)
   11. In-Custody hearings

B. Miscellaneous:
   1. Review cases, make decisions and file complaints
   2. Obtain search and arrest warrants
   3. Day-to-day advice, as needed, by telephone or in-person contact with City Police Department officers

II. SUPERIOR COURT

Appeals (preparation and appearance):
   1. Commencing (only after discussion and authorization from City Attorney)
   2. Defending

III. MEETINGS

A. Attend All Meetings with Police Department, City staff or City Council as Requested or Required to Address Current Issues

B. Prepare Memoranda Addressing Legal Ramifications of Courses of Action Contemplated as Part of Those Meetings

IV. PROVIDE LIAISON BETWEEN CITY POLICE DEPARTMENT AND COURT SYSTEM REGARDING PROCEDURES AND ENFORCEMENT

V. PREPARE, REVIEW AND RESPOND TO ISSUES AS REQUESTED BY CITY ATTORNEY, CHIEF OF POLICE OR DEPUTY CHIEF OF POLICE

VI. RECOMMEND NEEDED MUNICIPAL CODE AMENDMENTS TO CITY ATTORNEY

VII. PROVIDE QUARTERLY REPORTS TO CITY AND CITY ATTORNEY'S OFFICE IDENTIFYING TOTAL CASE FILINGS AND CASE DISPOSITIONS

2019 Prosecution Contract - Base Starting Rate						
DPA I, Step I	$	64,147	2018 Rates			
Q01	$	-	2019 COLA	0.00%		
	$	**64,147**	**2018 Base Salary**			
	$	4,907	Social Security	7.65%		
	$	8,259	Retirement	12.88%		
	$	857	Workers Compensation			
	$	13,052	County Benefit Bucket			
	$	**91,222**				
Legal Assistant, Step I	$	42,536	2018 Rates			
AB1	$	-	2019 COLA	0.00%		
	$	**42,536**	**2018 Base Salary**			
	$	3,254	Social Security	7.65%		
	$	5,477	Retirement	12.88%		
	$	857	Workers Compensation			
	$	13,052	County Benefit Bucket			
	$	**65,176**				
	$	**21,725**	**One-Third Cost**			
	$	**112,948**	**Base Contract Amount**			

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Resolution No. 2018-24 Amending the 2018 Fee Schedule to Update Fees for Obtaining Public Records - Executive,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Resolution **PROPOSED BY:** Executive

RECOMMENDED MOTION:

Approve with Consent Agenda.

SUMMARY:
Consideration of Resolution No. 2018-24, amending the City's Fee Schedule to update fees related to requests for public records.

FISCAL IMPACT:

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

BACKGROUND: In 2017, the Washington State Legislature passed Engrossed House Bill ("EHB") 1595, authorizing a small fee for providing electronically produced copies of records and a customized service charge for requests that require staff who have information technology expertise to prepare data compilations or provide customized electronic access.

Section 3 of EHB 1595, codified at RCW 42.56.120, permits the City to impose the actual cost of providing records, to impose statutory default fees, or to adopt a one-time flat fee of up to $2.00 for each request. To charge the actual cost of providing records, RCW 42.56.120 would require the City to undertake a study to identify the actual costs incurred in providing records, which would need to outline the factors and manner the City used to determine actual costs. The City has determined that such a study calculating actual costs would

be unduly burdensome due to the varying salaries of staff who fulfill public records requests, the burden of tracking time, and the varying costs of the copying equipment used City-wide.

Instead, staff recommends that the City charge the statutory default fees set forth in attached Resolution No. 2018-24. These changes will bring the City's fees for both paper and electronic records into conformance with the statutory default fees.

If Resolution No. 2018-24 is adopted, no fee would be charged for locating records or inspecting records in person, in accordance with state law requirements. In addition, no fee would be charged for small requests provided electronically (less than 4 records and less than 1 GB).

A typical Category 4 (the most complex) request from last year would have cost the requester $8.43. This sample request took 5 months to complete and over 52 hours of staff time. The cost would have been charged with each installment as follows:

May: $4.76 for 381 records

June: $0.38 for 30 records

July: $0.95 for 76 records

August: $1.62 for 130 records

September: $0.52 for 42 records

October: $0.20 for 16 records

Attached are metrics from 2017 that show the number of public records requests categorized by complexity. This year, the City has received 954 requests as of November 16, including 50 Category 4 requests.

Also attached is the performance audit report from the State Auditor’s Office which was the basis for the Legislature's relatively recent revision to the Public Records Act to provide additional authority and clarification related to fees that agencies can charge in responding to records requests, including related to statutory fees that can be charged. Attached as well from the State Auditor's Office is a document entitled "Trends in Public Records Requests," which is the webpage that summarizes the project and the performance audit, as well as a summary document entitled "The Effect of Public Records Requests on State and Local Governments."

The City remains committed to providing easy access to public records electronically on the public records portal, through the online permit database, and elsewhere on the City's website. City staff are actively working to increase the number and type of records provided on the City's website.

If the City Council adopts Resolution No. 2018-24, staff will update the City’s Public Records Act Administrative Rules to address the changes to fees. Staff anticipates that the updated Public Records Act Administrative Rules will be in substantially the form of the draft attached to this agenda bill. Under BIMC 2.80.110, the City Manager approves all updates to the City’s Public Records Act Administrative Rules.

ATTACHMENTS:

Resolution No. 2018-24, Amending Fee Schedule to Provide for Public Records Fees

Draft - 2018 Public Record Administrative Rules

Public Records Request Summary from 2017 Year End Metrics

SAO - Performance Audit Report - The Effect of Public Records Requests on State and Local Governments

State Auditor's webpage - Trends in Public Records Requests

SAO - The Effect of Public Records Requests on State and Local Governments (Summary Document)

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2018-24

A RESOLUTION of the City Council of Bainbridge Island, Washington, amending the City's Fee Schedule to update fees related to requests for public records.

WHEREAS, Washington State's Public Records Act ("PRA"), Chapter 42.56 RCW, allows the public to request public records from the City; and

WHEREAS, while the PRA precludes the City from charging a fee for inspecting or locating public records, it does allow the City to charge a reasonable fee for the copying of records; and

WHEREAS, since the PRA's adoption in 1972, the use of technology has resulted in many public records being stored in an electronic format for which a copying fee was not originally expressly authorized; and

WHEREAS, in 2017, the Washington State Legislature passed Engrossed House Bill ("EHB") 1595, authorizing a small fee for providing electronically produced copies of records and a customized service charge for requests that require staff with information technology expertise to prepare data compilations or provide customized electronic access; and

WHEREAS, Section 3 of EHB 1595, codified at RCW 42.56.120, permits the City to impose the actual cost of providing records, to impose statutory default fees, or to adopt a one-time flat fee of up to $2.00 for each request; and

WHEREAS, to charge the actual cost of providing records, RCW 42.56.120 would require the City to undertake a study to identify the actual costs incurred in providing records, which would need to outline the factors and manner the City used to determine actual costs; and

WHEREAS, the City has determined that such a study calculating actual costs would be unduly burdensome for the reasons set forth in the City's Public Records Administrative Rules and in WAC 44-14-070(3); and

WHEREAS, the City instead desires to assess the statutory default fees for providing public records; and

WHEREAS, an amendment is needed to incorporate these default fees into the City's Fee Schedule; and

WHEREAS, on January 23, 2018, the City Council passed Resolution No. 2018-01, adopting the City's Fee Schedule; and

WHEREAS, the City Council last amended the City's Fee Schedule on July 10, 2018, through the passage of Resolution No. 2018-20.

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

Section 1. Section 3, Copy Fees, of the City's Fee Schedule is amended to read as follows:

3. COPY FEES

(Resolution Nos. 2011-15, 2016-10, ~~and~~ 2017-01, and 2018-24)

A. PUBLIC RECORDS FEES

INSPECTION OF RECORDS (Inspection of records on the City's website or scheduled at City Hall)	No fee
~~MISCELLANEOUS~~ PAPER COPIES OF RECORDS (~~black and white, 8.5" X 14"~~ 11" x 17" or smaller, double-sided or single-sided ~~including scanning to an electronic format~~)	$0.15 per page ~~or per side on 2-sided copies (First 10 pages free)~~
~~11'' x 17'' black and white copies~~	~~$0.30~~
~~COLOR COPIES~~	~~$0.30 per page or per side on 2-sided copies~~
~~11'' x 17'' color copies~~	~~$0.60 per page or per side on 2-sided copies~~
OUTSOURCED COPIES OR SCANS OF RECORDS (Outside vendors can be used for unusual formats, large quantities, or when a requester asks for delivery of copies faster than the City can process)	Actual cost
ELECTRONIC ~~MEDIA~~ RECORDS ~~(OPEN PUBLIC RECORDS PORTAL, COMPUTER DISC, DVD, FLASH DRIVE, ETC.)~~ ~~(For electronic copies of records exceeding 100 pages or 25 MB, audio recordings and video recordings. Flash drives to be provided by the requester.)~~	~~$5.00 each installment~~
Public Records Portal or Email	$.10 per gigabyte ($0.00 if < 1 GB); and $.05 per every 4 records ($0.00 if < 4 records)

Digital Storage Devices (E.g., records are copied to optical storage devices, such as a CD or DVD, or a flash drive)	Actual cost
Scans (A per-page charge for converting a record from a paper copy to an electronic format)	$.10 per page (single or double-sided)
MAILING PHYSICAL RECORDS OR STORAGE DEVICES	Actual cost of postage and container/envelope
CUSTOMIZED SERVICE (Data compilations prepared as a customized service. Cost is in addition to copy fees above)	Actual cost
CLERK CERTIFICATION	$1.00 per document

Copy charges above may be combined to the extent more than one type of charge applies to copies released in response to a particular request.

For large requests, the City may take one or more of the following actions: require a deposit of 10 percent of the estimated copying costs before making copies; provide copies in installments; or require payment before providing further installments.

B. FINGERPRINTS $10.00
(Ordinance No. 92-24)

C. CUSTOMIZED GIS MAPS AND CAD DATASET QUERIES
Custom maps, or any other kind of GIS work (spatial queries) are available at a $43.00 per hour cost, and will be pro-rated to the nearest ¼ hour. If printed copies are requested, they will be additionally charged at the materials cost detailed below. Internal, or other agency requests that are part of ongoing City-sponsored work are not charged.

Commonly requested maps are available for download (at no charge) in a PDF format from the City website.

Printed materials are charged per square foot. Following are standard sheet sizes and the associated cost.

18" x 24"	$ 7.00
24" x 36"	$14.00
28" x 40"	$18.00
36" x 48"	$28.00
36" x 60"	$35.00

PASSED by the City Council this ___ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: _____, 2018
PASSED BY THE CITY COUNCIL: _____, 2018
RESOLUTION NO. 2018-24

CITY OF BAINBRIDGE ISLAND
PUBLIC RECORDS ACT ADMINISTRATIVE RULES

Draft

The Public Records Act, RCW 42.56 (the "Public Records Act"), requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished. The City of Bainbridge Island's rules are set forth in Chapter 2.80 of the Bainbridge Island Municipal Code (BIMC). Pursuant to BIMC Section 2.80.110, the City Manager may issue administrative rules for the implementation of Chapter 2.80 BIMC.

The purpose of the Public Records Act is to provide the public full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our City government. The Public Records Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Public Records Act, the City will be guided by the provisions of the Public Records Act describing its purposes and interpretation. Failure to comply with any provision of these rules shall not result in any liability imposed upon the City other than that required in the Public Records Act.

Section 1. Definitions/Explanations.

a. **Public record**. A public record is a writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the City. Even if the City does not possess a particular document, a document may be "used" by the City if it was considered in any decision-making process.

b. **Writing**. A writing is any handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including data compilations from which information may be obtained or translated. An email is a writing.

c. **Identifiable record**. An identifiable record is one in existence at the time the records request is made and that City staff can locate after a reasonable search.

d. **Exempt record**. All identifiable City records are available for review by the public unless they are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes. For information related to Public Record Exemptions please see Municipal Research Service Center's (MRSC) publication "Public Records Act for Washington Cities, Counties and Special Purpose Districts" on the City's website under Public Records Requests.

e. **Email**. Classification of emails as public records is dependent on the content of the message. Email messages are public records when they are created or received in the transaction of public business.

f. **Bot request**. A request for public records that the City reasonably believes was automatically generated by a computer program or script.

Section 2. Public Records Officer.

Any person wishing to request access to public records or seeking assistance in making a request should contact the City's Public Records Officer. The Public Records Officer will coordinate compliance with the Public Records Act, but may designate other City staff members who may process requests for public records. The Public Records Officer or his or her designees will assist requesters and help avoid having responses to public records requests cause excessive interference with the essential functions of the City. When using these Rules, references to the Public Records Officer should be interpreted to also include his or her designees.

Section 3. Availability of Public Records.

a. **Hours for inspection**. Public records are available for inspection and copying during the City's customary office hours: Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding legal holidays. City staff and the requester may make mutually agreeable arrangements for times of inspection and copying. However, the City shall have the right to set the hours for inspection.

b. **Place of inspection**. Records will be made available for inspection as determined by the Public Records Officer. A requester shall not take City records from City offices without the permission of the Public Records Officer.

c. **Electronic access to records**. A variety of records are available on the City's website at: www.bainbridgewa.gov. To the extent practical, the City will store, maintain, and make its commonly requested records available electronically on its website. The City maintains an open public records portal at https://bainbridgewa.nextrequest.com/ and will respond to most requests through the portal for those seeking responsive records in electronic format. The open public records portal is the functional equivalent of an FTP site and allows the City to share public records request responses more broadly with the public. The City may provide access to public records by providing links to the website containing an electronic copy of the record. The Public Records Officer will work with the requester to determine the most appropriate method for providing electronic copies of responsive records and may provide records on disc or transmit the responsive record via email. .

d. **Records index**. Ordinance No. 2001-17, adopted by City Council on May 23, 2001, determined that maintaining a central index of City records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities.

e. **Organization of records**. Records that relate to the specific function or responsibility of a particular department shall be maintained in the offices of that department. City

departments will maintain records in a reasonably organized manner, and the City will take reasonable actions to protect records from damage and disorganization.

f. **Retention of records**. The City is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including cities) that are common to most agencies. Retention schedules vary based on the content of the record. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

Section 4. Making a Request for Public Records.

a. **Request for records other than Police records.** Requests to inspect or copy City records, other than Police records, should be made to the Public Records Officer at:

Public Records Officer
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-8618 (phone)
publicrecords@bainbridgewa.gov
https://bainbridgewa.nextrequest.com/

b. **Requests for Police records**: Requests to inspect or copy records maintained by the City's Police Department should be made to the Senior Police Clerks at:

Bainbridge Island Police Department
625 Winslow Way East
Bainbridge Island, WA 98110
(206) 842-5211
https://bainbridgewa.nextrequest.com/

c. **Internet access to records.** Many records are also available on the City of Bainbridge Island's website at: www.bainbridgewa.gov. Previous responses to records requests are available through the City's open public records portal at https://bainbridgewa.nextrequest.com. Requesters are encouraged to view the documents available on the website prior to submitting a public records request.

d. **Form of request**. There is no required form for a public records request. A requester must provide the City with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requester should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.

Any person wishing to inspect or copy identifiable public records of the City should make the request in one of the following ways:

- Through the open public records portal at https://bainbridgewa.nextrequest.com (preferred);
- On the provided request form (available online at www.bainbridgewa.gov);
- By letter, fax, phone call or e-mail addressed to the Public Records Officer; or
- In person at City Hall.

The following information should be included in the request:

- Name and address of requester;
- Other contact information, including telephone number and email address;
- Sufficient identification of the requested records to reasonably enable the Public Records Officer to locate the records; and
- The date and time of day of the request.

The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing as well as the necessary contact information from the requester so that the City can respond. The confirmation will be deemed the correct statement of the scope of the request unless the requester responds with a different statement of the scope. All public records requests will be entered into the open public records portal. Requests for police records will only be visible to the assigned City staff and the requester.

e. **Prioritization of records**. The Public Records Officer may ask a requester to prioritize the records he or she is requesting so that the most important records may be provided first. A requester need not prioritize a request.

f. **Copies**. If the requester wishes to have copies or scans of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to make a deposit or pay for the copies or scans, as further discussed in Section 10. Costs for copies and scans are set out on the Fee Schedule as established by resolution of the City Council and is available through a link on the City's website, or may be obtained by contacting the Public Records Officer.

g. **Purpose of request**. A requester need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requester if he or she intends to use the records for a commercial purpose. The City is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer may also seek sufficient information to determine if another statute may prohibit disclosure.

h. **Overbroad requests.** The City may not deny a request for identifiable public records solely because the request is overbroad. However, the City may seek clarification, ask the requester to prioritize the request so that the most important records are provided first,

and/or communicate with the requester to limit the size and complexity of the request. The City may also provide the responsive records in installments over time. When a request uses an inexact phrase such as "all records relating to" and declines to clarify the scope of the request, the Public Records Officer may interpret the request to be for records which directly and fairly pertain to the topic. The phrase is inherently ambiguous and requesters are encouraged to avoid using the phrase when possible to avoid unnecessary delays. When the requester has found the records he or she is seeking, the requester should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled. A request for all or substantially all records prepared, owned, used, or retained by the City is not a valid request for identifiable records under the Public Records Act.

i. **Existing records.** Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the City.

j. **Bot request.** The City will deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the City determines that responding to the multiple requests would cause excessive interference with other essential functions of the City.

Section 5. Processing Public Records Requests.

a. Providing "fullest assistance." Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

b. **Acknowledging receipt and fulfilling requests**. Within five business days of receipt of the request, not including the day the request was received as provided by RCW 1.12.040, the Public Records Officer will do one or more of the following:

1. Make the record available for inspection or copying;

2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requester;

3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be disclosed in whole or in part depending on whether the records are being provided in installments;

4. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. Such clarification may be requested and provided by telephone; or

5. Deny the request, specifying the reasons for denial.

The City may respond to a request to provide access to a record by providing the requester with a link to the City's web site containing an electronic copy of that record if it can be determined that the requester has internet access.

c. **Additional time.** If not able to fulfill the request within the 5-business-day period, the Public Records Officer will provide a reasonable estimate of the time it will take to fully respond to the request. Additional time to provide access to records may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare an exemption log, notify third party persons or agencies affected by the request or consult with the City Attorney about whether any portion of the records is exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

d. **Notification that records are available**. If the requester has sought to inspect the records, the Public Records Officer will notify him or her that the entire response or an installment is available for inspection and ask the requester to contact the City to arrange a mutually agreeable time for inspection. If the requester seeks copies or scans, the Public Records Officer should notify him or her of the projected costs and whether a deposit is required before making the copies or scans.

e. **Consequences of failure to respond**. If the City does not respond in writing within five business days of receipt of the request for disclosure, the requester should contact the Public Records Officer to determine whether the request has been received by the City.

f. **Requesting clarification**. At the time of the City's initial response, or subsequent to the City's initial response, the City may require the requester to clarify the request in order to provide the City with information sufficient to allow the City to determine which records are being requested and whether such records relating to the request exist. If the requester fails to respond to a City request to clarify the request within 30 days, and the entire request is unclear, the City may consider the request abandoned. Otherwise, the City must respond to those portions of the request that are clear. If the City considers the request abandoned, it shall notify the requester that the request is closed.

g. **Searching for records**. The City will conduct a reasonable search for responsive records. The Public Records Officer will help determine where responsive records are likely to be located and involve Records Coordinators in other departments, as needed, to assemble the records. After the records are located, the Public Records Officer should take reasonable steps to narrow down the number of records assembled to those that are responsive. The City will not "bury" a requester with non-responsive documents. However, the Public Records Officer is allowed to provide arguably, but not clearly, responsive records to allow the requester to select the ones he or she wants, particularly if the requester is unable or unwilling to help narrow the scope of the documents being sought.

h. **Preserving requested records**. If a requested record is scheduled shortly for destruction under the City's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the City can destroy the record in accordance with the retention schedule.

i. **Records exempt from disclosure**. Some records are exempt, in whole or in part from disclosure (see Section 7). If the City believes that a record is exempt and should be withheld, the Public Records Officer will state the specific exemption in a log and provide a brief explanation of why the record or a portion of the record is being withheld.

j. **Redactions**. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requester why portions of the record are being redacted. For example, the Public Records Officer shall redact identifying details such as social security numbers when he or she makes available or publishes any public record. In each case, the justification for the deletion shall be explained in writing.

k. **Court protection of records (Third-party notice)**. If the requested records contain information that may affect rights of others and may be exempt from disclosure, prior to providing the records the Public Records Officer may give notice to those whose rights may be affected by the disclosure. Generally, two weeks' notice will be given in order to make it possible to contact the requester and ask him or her to revise the request or, if necessary, allow affected individuals to seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request. Nothing in this section requires the City to provide such third-party notice, unless otherwise required by law.

l. **Inspection of records**. To the extent possible, the Public Records Officer shall promptly provide space to inspect public records. The requester must claim, review or download the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection, download or copying. The Public Records Officer will notify the requester in writing of this requirement and suggest that he or she contact the agency to make arrangements to claim, download or review the records. If the requester or a representative of the requester fails to claim, download or review the records within the thirty-day period, or make other arrangements, the Public Records Officer may close the request and re-file the assembled records, if applicable. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request. The Act does not allow a requester to search through the City's files for records which cannot be identified or described to the City. Members of the public may not remove documents from the viewing area or disassemble or alter any document.

m. **Providing copies of records**. The requester shall indicate which documents he or she wishes to have copied or scanned using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying or scanning. Making a copy of an electronic record is considered copying and not creating a new record.

n. **Providing records in installments**. When a request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way. If the requester fails to inspect or download the entire set of records or one or more of the

installments within thirty days, the Public Records Officer may stop searching for the remaining records and close the request.

o. **Completion of inspection**. When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the City has completed its search for the requested records and made any located non-exempt records available for inspection.

p. **Closing withdrawn or abandoned requests**. If the requester withdraws the request, fails to fulfill his or her obligations to inspect or download the records, or fails to pay the deposit or final payment for the requested copies or scans, the Public Records Officer will close the request and indicate to the requester that the City has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.

q. **Later discovered documents**. If, after the Public Records Officer has informed the requester that the City has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requester of the additional documents and provide them on an expedited basis.

r. **No duty to create records**. The City is not obligated to create a new record to satisfy a records request; however, the City may, in its discretion, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

s. **No duty to supplement responses**. The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created or comes into the possession of the City after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

t. **Requests for information**. Requests for information are not public records requests. An agency is not required to conduct research for a requester.

u. **Multiple requests**. When the same requester simultaneously submits multiple, separate requests or makes one or more additional requests when previous requests are open, the City may queue the requests in the order in which they were received. The City is not required to work on an additional request until the initial requests are completed and closed. Requesters are responsible for informing the Public Records Officer if they want to reprioritize the fulfillment of their requests.

v. No access to City network or systems. Requestors shall not be permitted to access or "plug into" City networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to City equipment in order to copy records.

w. **Consequences of disclosing a record in error.** The City, and its officials, agents, employees, or custodians shall not be liable, nor shall a cause of action exist, for loss or damage based on release of a public record if the City, official, agent, employee, or custodian acted in good faith in attempting to comply with the Public Records Act.

Section 6. Processing Requests for Electronic Records.

a. **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

b. **Providing electronic records.** If public records are requested in electronic form, the Public Records Officer will provide the nonexempt records in a generally commercially available electronic format that is used by the City.

c. **Access to electronic records.** The Public Records Officer may provide a link to electronic records easily found on the City's website. Costs for providing electronic records are set out on the Fee Schedule.

d. **Paper records provided electronically**. Paper records that are specifically requested to be provided electronically are subject to fees listed in the Fee Schedule.

Section 7. Exempt and Prohibited Disclosure of Public Records.

The City is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation.

a. The City of Bainbridge Island is prohibited by statute from disclosing lists of individuals for commercial purposes.

b. The Public Records Act, RCW 42.56, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying.

c. In addition, other statutes may exempt or prohibit disclosure of other documents and information.

d. The Municipal Research and Services Center maintains an up-to-date list of current exemptions and prohibitions on their website at www.mrsc.org. A link is provided on the City's website under Public Records requests.

Section 8. Categories of requests.

The City receives a significant number of public records requests annually, and must allocate staff resources in a manner that responds to each request thoroughly, correctly, and within required deadlines. In order to do so and maintain the City's ongoing regular service and functions, it is necessary to differentiate public records requests according to their complexity and the estimated staff time involved in completing the request. When a public records request is received, the Public

Records Officer and/or the designated department will categorize the request according to the nature, volume, and availability of the requested records as follows:

a. **Category 1** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments. Examples include requests to review a permit file made at the Planning counter and requests for collision reports.

b. **Category 2** records requests are routine requests that involve:

   (i) more than one record or file, and/or

   (ii) records not easily identified, located and accessible, and/or

   (iii) records that require some coordination between departments.

c. **Category 3** records requests are complex requests which involve:

   (i) a large number of records, and/or

   (ii) research by City staff or an email search, and/or

   (iii) review by Public Records Officer to determine whether any of the records are exempt from production.

d. **Category 4** records requests are complex requests that may be especially broad or vague which may involve:

   (i) a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and/or

   (ii) research by City staff who are not primarily responsible for public disclosure and/or

   (iii) legal review and creation of an exemption log. These requests may require additional assistance from third parties.

After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

Section 9. Standard Time Periods for Response.

Mindful of the requirements of RCW 42.56.100 to provide the fullest assistance, to the extent reasonably possible, the Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner. The following standard periods for response to all categories of records requests are established as goals.

a. **Category 1 records requests.** Generally, the City will respond to Category 1 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.

b. **Category 2 records requests**. The City will provide a written response to the requester within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 2 requests usually require between 5 and 30 business days.

c. **Category 3 records requests.** The City will provide a written response to the requester within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 records requests may require several weeks to several months.

d. **Category 4 records requests.** The City will provide a written response to the requester within five business days with a reasonable estimate of the time necessary to make the records available. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 records requests may require several weeks to a year or more. In some instances, an estimate of the total amount of time needed to fulfill the request cannot be made until research is performed to identify the responsive records. The Public Records Officer will communicate with the requester in those instances to keep them informed of the progress on the request on a monthly basis.

Section 10. Costs of Providing Copies of Public Records

a. **Costs for records, generally**. Except as explicitly provided herein and in the City's Fee Schedule, the City declares that it would be unduly burdensome to calculate the actual costs of providing public records due to the varying salaries of staff who fulfill public records requests, the burden of tracking time, and the varying costs of the copying equipment used City-wide. Therefore, the City adopts the standard fees prescribed for providing records in the Public Records Act. No fee is charged for locating records, inspecting records in person or for accessing records routinely made available on the City's website prior to receipt of a request unless the requester has specifically requested that the City provide copies of such records through other means. If requested by a requestor, the City shall provide a summary of the applicable charges before any copies are made, and the requester may revise a public records request to reduce the number of copies to be made and thereby reduce the applicable charges. Payment of fees is required prior to release of records unless other arrangements have been made. Detailed fees applicable to public records requests can be found in the City's Fee Schedule.

c. **Sales tax**. The City will not charge sales tax on copies of records.

d. **Use of other copying services**. The City is not required to copy records at its own facilities and may determine to use a commercial copying center for non-routine formats such as

photographs, blueprints or tape recording, large quantities, or when a requestor asks for delivery of copies faster than the City can process. In those instances, the requester will pay the commercial copying center directly.

e. **Deposit or payment by installments**. Before beginning to copy or scan records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying or scanning the records selected by a requester. The Public Records Officer may also require the payment of the remainder of the copying or scanning costs before providing all the records, or the payment of the costs of copying or providing electronic media in an installment before providing that installment.

f. **Method of payment**. Payment may be made by cash, check, credit card, or money order to the City of Bainbridge Island.

g. **Waiver of copying charges**. The Public Records Officer has the discretion to waive copying or electronic media charges for small requests, or for individuals or government agencies doing business with the City if the Public Records Officer determines that this action is in the best interest of the City.

h. **Non-Payment**. If payment arrangements are not made within 30 calendar days of notice that records are available, the entire request may be deemed abandoned and closed. A reasonable attempt shall be made by the Public Records Officer to contact the requester prior to deeming a request abandoned and closed.

Section 11. Denials of Requests for Public Records.

a. **Petition for internal administrative review of denial of access**. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by email) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

b. **Consideration of petition for review**. The Public Records Officer shall promptly provide the petition and any other relevant information to the City Manager or his or her designee to conduct the review. The City Manager or his or her designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requester mutually agree.

c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

Approved:

_____ _____, 2018

City Manager

SUMMARY OF INTERNAL PROCEDURES FOR PUBLIC RECORDS REQUESTS

COUNTER REQUEST

- A counter request is a request to review a department file or obtain an easily identifiable permit or record. These requests are Category 1 requests.
- Any request that asks for all records pertaining to a parcel or topic are not counter requests and should be sent to the Public Records Officer for a response.
- All requests for code compliance files are sent to the Public Records Officer.
- The requester (or staff if requester declines) enters the public records request on the public records portal.
- The requester may remain anonymous.
- Counter requests may be fulfilled immediately by Planning staff if the file or record is on site.
- For requests not immediately fulfilled, the Department's Administrative Assistant tracks the 5 business day response through the public records portal.
- The Department's Administrative Assistant coordinates the response if multiple copies of records are requested.
- Photocopies, scans, and transmission of electronic records are charged in accordance with the City's Fee Schedule.
- Files are held for review at the Planning Counter for 30 days.
- The Department's Administrative Assistant adds "tags" to the portal describing the request
- All employees enter the time spent on responding to the request on the public records portal
- Upon completion of a request, the Department's Administrative Assistant closes the request.

OTHER PUBLIC RECORDS REQUESTS

- Immediately upon receiving a public records request in any form, forward the request to the Public Records Officer.
- If you have received a verbal request for a document, enter the request on the public records portal or forward it to the Public Records Officer for entry on the portal.
- Some requests for information are difficult to distinguish from public records requests. If you are unsure, consult the Public Records Officer.
- The Public Records Officer categorizes the request and adds descriptive "tags".
- The Public Records Officer tracks the deadline for the initial response.
- The Public Records Officer contacts staff to ascertain the reasonable amount of time necessary to respond to the request, taking into consideration workload and staffing.
- Staff record their time spent on the request on the public records portal .
- The Public Records Officer coordinates searches of the email system when applicable.
- The Public Records Officer makes an initial response within 5 business days.
- The Public Records Officer coordinates any additional response and the gathering of records responsive to the request.

- If the Public Records Officer believes that any information contained in the responsive records is exempt, he or she redacts the documents through the public records portal, generating an exemption log or prepares a separate log of withheld documents, if applicable.
- The Public Records Officer may consult with the City Attorney on redactions or when withholding a record.
- The Public Records Officer will also determine if third-party notice is advisable.
- Once all requested documents have been provided with a log of exempt documents, if applicable, the Public Records Officer will close the request on the portal.

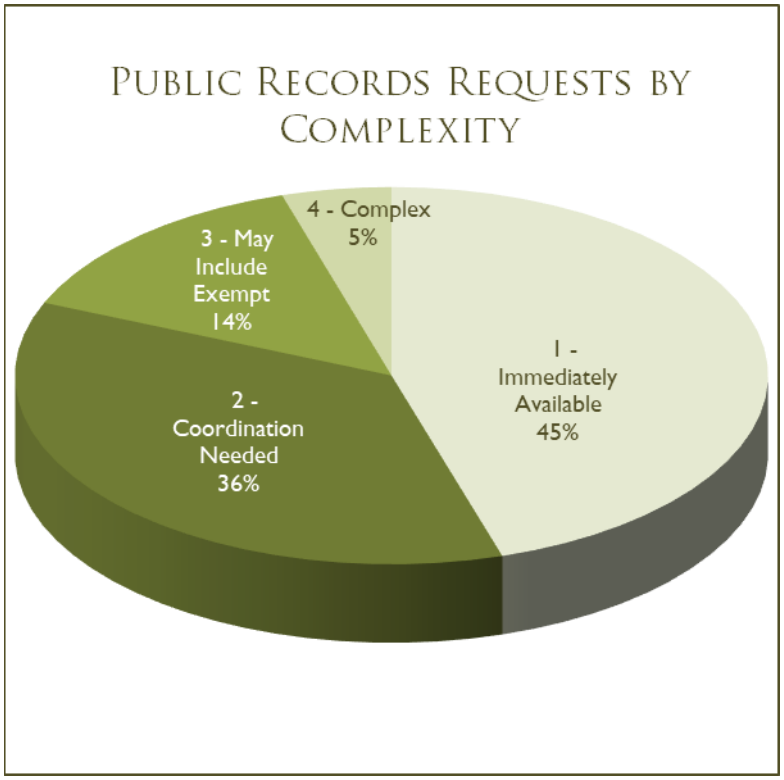
POLICE DEPARTMENT REQUESTS

- Collision reports are handled by the Police Department. These requests are generally Category 1 requests.
- Requests for Police Incident reports that require redaction are forwarded to the Public Records Officer for review.
- Non-standard requests and requests from the media are forwarded to the Public Records Officer for consultation.

City Clerk – Public Records

Public Research Requests by Complexity	2015 Actuals	2016 Actuals	2017 Actuals
1 - Immediately Available	85	44	443
2 - Coordination Needed	181	238	353
3 - May Include Exempt	76	150	137
4 - Complex	78	56	46
Public Records Requests - Total*	420	488	994

*Total may not equal the sum of the values in the four complexity categories due to the inclusion of a small number of un-classifiable requests



Washington State Auditor's Office

Government that works for citizens

Performance Audit

The Effect of Public Records Requests on State and Local Governments

August 29, 2016

Washington's Public Records Act (PRA) guarantees the public broad access to information about government conduct to foster sound governance. Our interactions with state and local governments during this project showed their commitment to the principles of open, accessible and accountable government.

However, a changing public records environment and a PRA that has not kept pace with present-day issues pose challenges to large and small governments alike. Such challenges, if not addressed, may undermine the original intent of public records laws and the provision of essential government services. The state and local governments that responded to our statewide survey reported spending more than $60 million to fulfill over 285,000 public records requests in the most recent year alone. Because requesters pay only a small portion of the costs involved in fulfilling their requests, governments — and ultimately all taxpayers — bear the costs of the requests.

Providing access to government information in a manner that does not limit the public's access to records or unduly affect government's core services is challenging. Our research shows that a combination of statewide policy and better information management and disclosure practices is needed to keep pace with changing times. We identified polices the Legislature can consider to address public records issues in Washington. We also found practical solutions that can help state and local governments in their continuous efforts to improve their public records management and disclosure processes.

Report Number: 1017396

Table of Contents

Executive Summary 3
Glossary 7
Introduction 9
Background 11
Scope & Methodology 14
Audit Results 16
Conclusion 36
Appendix A: Initiative 900 37
Appendix B: Methodology 38
Appendix C: State Profiles 41
Appendix D: Records Management and Disclosure Tools 54

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The State Auditor's Office holds state and local governments accountable for the use of public resources.

The results of our work are widely distributed through a variety of reports, which are available on our website and through our free, electronic **subscription service**.

We take our role as partners in accountability seriously. We provide training and technical assistance to governments and have an extensive quality assurance program.

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To request public records

Public Records Officer
360-725-5617, PublicRecords@sao.wa.gov

Executive Summary

Transparency and accountability are essential components of good government. Washington's Public Records Act (PRA) helps foster these principles by giving people broad access to government information. Our interactions with state and local governments during this project revealed their commitment to the principles of open, accessible and accountable government. However, a changing public records environment and a PRA that has not kept pace with present-day issues pose challenges to large and small governments alike. Such challenges, if not addressed, may undermine the original intent of public records laws and the provision of essential government services.

Legislators face complex policy decisions as they consider balancing access to government records without compromising the efficiency of government operations. To inform policy deliberations, the Legislature asked the State Auditor's Office (in Engrossed Substitute Senate Bill 6052) to conduct a study on the cost of responding to public records requests.

Our report identifies information about the nature and volume of public records requests governments receive and the costs they incur fulfilling them. The report also identifies challenges governments face with public records requests, statewide policies other states have adopted to address similar issues, and practices governments can use to effectively manage and disclose public records.

To identify information on the volume, nature and cost to fulfill public records requests, we surveyed Washington's state and local governments. To identify leading practices, we conducted focus groups with governments in Washington, researched and interviewed governments in other states, and reviewed literature on the topic.

Fulfilling public records requests cost state and local governments more than $60 million in the most recent year

Providing broad access to government records does not come without costs. People today make more and increasingly complex requests for records, which absorb a significant amount of government resources. A wide variety of governments responded to our statewide survey, ranging from small cities and special purpose districts to large state agencies, cities, counties and universities. Respondents reported spending more than $60 million to fulfill more than 285,000 public records requests in the most recent year alone. Their greatest expense – more than 90 percent of costs – is the staff time needed to locate, review, redact and prepare public records for release.

About our calculation of $60 million...

This amount:

- **Is for one year only.**
- **Represents costs reported by 541 of the 923 governments responding to our survey.** Not all governments track costs and some were able to provide cost information only for one department, not the entire organization.
- **Includes some but not all staff costs.** Governments that track costs do so mainly for employees they designate to respond to records requests, not for every employee who collects information to satisfy a request.

The tables below show:

- The total costs incurred by government type, and the average (mean) and maximum costs by individual governments
- The number of requests received by government type, and the average (mean) and maximum number received by individual governments

Washington's governments' costs to fulfill public records requests vary significantly

Most recent year results for the 541 survey respondents that provided cost data

Government type as grouped for analysis	Costs incurred by government type	Costs incurred by individual government	
	Total	Maximum	Average (mean)
State agency, commission, or board	$22,058,165	$6,746,268	$373,867
City/Town	$16,772,830	$1,397,343	$137,482
County	$11,213,530	$2,161,123	$200,242
Special districts	$4,232,504	$438,188	$23,912
School district/ESD	$2,871,610	$367,103	$39,883
Other governments	$2,089,128	$334,380	$49,741
Post-secondary education institution	$1,752,489	$921,721	$134,807

Source: Auditor analysis of survey results.

Note: Most recent year may be calendar or fiscal year, and not necessarily the same year for all governments surveyed. Costs include actuals and estimates. Governments that track costs provided actual cost data. Those that do not track, but had necessary information to estimate, provided estimated costs.

The number of requests governments receive also varies significantly

Most recent year results for the 794 survey respondents that provided data on requests received

Government type as grouped for analysis	Requests received by government type	Requests received by individual government	
	Total	Maximum	Average (mean)
City/Town	114,973	16,157	639
State agency, commission, or Board	74,354	12,366	1,019
County	64,319	7,648	731
Other governments	16,814	9,022	290
Special districts	9,246	977	35
Post-secondary education institution	2,935	1,000	133
School district/ESD	2,541	558	23

Source: Auditor analysis of survey results.

Note: Most recent year may be calendar or fiscal year, and not necessarily the same year for all governments surveyed. Numbers include actuals and estimates. Governments that track requests received provided actual numbers. Those that do not track, but had necessary information to estimate, provided estimated numbers.

The workload and expense of responding to requests affects governments of all types and sizes. Eighty-one percent of survey respondents said they received records requests, from a wide variety of requesters: individuals, law firms, insurers, media, incarcerated persons, current or former employees, governments, and for-profit and nonprofit organizations. Small governments may struggle with responding to requests, even if they receive few of them, because they have limited staff and technological capabilities to complete them. Some larger governments also struggle because they receive a larger volume of requests, many of which require considerable coordination between offices and staff, drawing heavily on resources.

Washington's governments can only recover a small fraction of their costs

Existing public records laws do not permit governments to charge requesters for staff time, which we found was their greatest expense. In the most recent year, respondents to our survey said they recovered less than 1 percent (or $350,000) of the $60 million in costs they incurred fulfilling requests for public records.

Because requesters pay only a small portion of the costs involved in fulfilling their requests, governments – and ultimately all taxpayers – bear the costs of the requests.

Governments' management and disclosure of public records is complicated by the exponential growth of information and changing, complex public records laws

Advances in technology have transformed the way governments conduct their business and increased the amount of digital information they must manage. Citizens' expectations to readily access this information have also changed. Maintaining records today requires investments in information technology to organize, store, secure, search and inventory records, and trained employees to manage them. Many governments told us they do not have sufficient resources to conduct these activities. Reducing inefficiencies in the records management process through technology and better practices could help streamline the records disclosure process to everyone's benefit: governments, requesters and taxpayers.

Changing and complex public records laws have cost implications and add to the workload governments face when responding to requests. Washington's PRA definition of a public record is very broad; it does not specify which information is not disclosable. Instead, hundreds of exemptions generated by state law and case law narrowly define information that is exempt from public disclosure.

As of 2016, there were more than 400 public records exemptions established by state law; the number of additional exemptions set by case law and the federal government is unknown. Understanding and applying exemption laws is difficult for employees without a legal background. Moreover, exemption laws change frequently, making it difficult for employees to keep up-to-date with requirements.

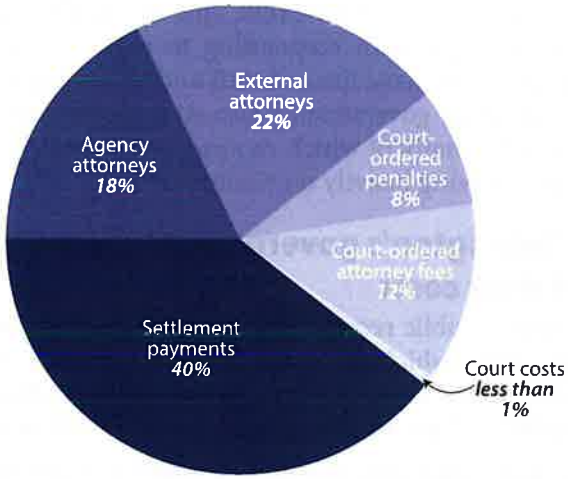
Focus group participants told us they have to rely on the help of expensive, yet necessary, legal counsel to ensure they do not release exempted or protected information or redact information that should be disclosed, and to provide all records that satisfy the request. They fear litigation if they make a mistake, yet this preventive effort – in addition to its high cost – risks delaying responses to requesters.

Public records litigation affects governmental costs and ultimately transparency

Public records litigation can have a severe impact on the financial position of some governments, especially those with small operating budgets. Seventeen percent of the governments responding to our survey – large and small – reported they were involved in public records litigation in the past five years, and spent more than $10 million in the most recent year alone. As the chart shows, typical litigation expenses incurred include settlement payments, legal review and counsel, and court ordered fees and penalties.

The effect of public records litigation extends beyond monetary costs. As we previously explained, legal review may delay responses to requesters. Moreover, some governments told us they avoid using emerging technologies and approaches to managing information, despite the potential for cost savings and efficiencies. They expressed concerns about the upfront costs in purchasing and implementing such approaches and technologies. Some also said that they fear using them could complicate the disclosure process and expose them to litigation.

Settlement payments and attorney costs account for nearly 80% of litigation expenses



Source: Auditor analysis of survey results.

Statewide policy and practical solutions could benefit the changing public records environment and the records management and disclosure process

Other states we talked to have also faced the challenges posed by the changing landscape of public records and requests. Some made policy changes to promote the original intent of public records laws without compromising core government operations. We identified policies that states have implemented and which the Legislature can consider to address public records issues in Washington.

Governments in Washington and in other states have also realized that increased efficiency is needed in the management and disclosure of records to better meet the needs of the public. We identified practical solutions that can help state and local governments in their continuous efforts to improve their records management and disclosure processes.

Statewide policies to address the changing public records environment

- Differentiate requesters and requests by their purpose
- Recover material and staff costs associated with disclosing public records
- Develop a statewide alternative dispute resolution program
- Address complexities in public records laws

Leading practices to aid public records management and disclosure

- Communicate with requesters thoughtfully and as needed
- Manage request fulfillment to maximize benefits to requesters and minimize disruptions to critical services
- Disclose information before it is asked for
- Develop a coordinated, agency-wide strategy and institutional culture around records management
- Collect and retain only necessary records
- Organize records for easy search and retrieval
- Adopt strategies and organization-wide policies to accommodate complexity of public records laws
- Reduce the potential for litigation and mitigate its impact

Glossary

Term	Definition
Alternative dispute resolution	Using mediation or arbitration, instead of the courts, to resolve a public records dispute.
Cloud-based service	Data storage and processing services made available to users on demand via the internet from a third-party provider's computer servers instead of using the organization's own on-premises servers. Examples include Dropbox, Google Drive, OneDrive and Box.
Complex requests	Records requests that meet any of the following characteristics: they are broad or vague; involve a large number of records; involve records that are not easily identifiable, located, or accessible; require coordination among multiple departments; require legal review; result in significant redaction or withholding of records; require special tools or significant staff resources to fulfill.
Essential government function	Government services that affect the health, safety and general welfare of residents, such as police, fire, emergency medical services, water, sewer and roads.
File Transfer Protocol (FTP) site	File Transfer Protocol is a standard network protocol used to transfer computer files between two users, using an intermediary server on a computer network.
Fulfilling public records requests	The disclosure of requested records, resulting in the closure of a public records request. A request can also be considered 'fulfilled' if the request is withdrawn or abandoned by the requester.
Local government (organization)	For the purpose of this report, "local government" or "local government organization" includes such units of government as cities, counties, school districts and other special purpose districts (see entry below for definition of special purpose districts).
Metadata	A set of data which describes and gives basic information about other data.
Model Rules	Non-binding guidance developed by the Washington State's Office of the Attorney General. The guidance provides advisable records disclosure practices for requesters and governments.
Open government advocates	Individuals and organizations who support citizens' rights to access documents and proceedings of governments to allow for effective public oversight.
Physical media device	A data storage device, such as a CD, DVD or flash drive, used to store information.
Public record	Under the PRA (RCW 42.56.010 (3)): "Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics…"

Term	Definition
Public records dispute	A disagreement between a public records requester and a government organization, usually regarding the validity of an exemption or time estimate given to respond to a public records request.
Public records exemption	Information that is exempt from release to the public due to confidentiality or privacy concerns. As of 2016, Washington had established more than 400 public records exemptions through state law.
Public Records Officer	A government employee, usually with the following responsibilities: to serve as a point of contact for people requesting public records and to oversee that government's compliance with the Public Records Act's records disclosure requirements.
Records custodian	An individual, government, division or department that is responsible for the creation, management, retention, disclosure and destruction of public records.
Requester	Any individual, public, private or governmental organization, or "any other organization or group of persons, however organized," that requests public records from the government.
Special purpose districts	In Washington, special purpose districts provide an array of services. Types of special purpose districts include, but are not limited to, conservation, air pollution control, fire, transportation, health, public utilities, water, sewer, library, ports, cemetery and mosquito control.
State government	For the purpose of this report, "state government" includes every state agency, office, department, division, bureau, board or commission, as well as state universities and community colleges.

Introduction

Transparency and accountability are essential components of good government. Washington's Public Records Act (PRA) helps foster these principles and so bolsters public confidence in government, by providing people with broad access to government records. Access to public records allows people to know how governments are performing, thereby holding them accountable for their actions and protecting the public interest.

Our interactions with state and local governments during this project revealed their commitment to the principles of open, accessible and accountable government. But over the years, many of them have expressed concerns with the challenges posed by a changing public records environment and a PRA that has not evolved to address present-day issues.

The PRA was established in 1972, when government records were kept in paper format and before the proliferation of the internet and modern technology such as email, cell phones and video cameras. These advances have led to prolific growth in electronic records. They have also led to the use of technology that allows requesters to submit records requests with minimal effort, consequently increasing the volume and complexity of requests and the costs to fulfill them.

The PRA limits the expenses governments can recover from those making requests for records: the law passes the bulk of costs on to government and, ultimately, all taxpayers. Moreover, the broad parameters of the PRA lack safeguards to deter those requests that compromise the efficiency of government operations. With limited resources and legal protections, some focus group participants told us their governments struggle to provide other essential services to the public while efficiently meeting increasing requests for records.

The Legislature asked the State Auditor's Office to help gather information to inform discussions about the PRA

Local and state governments have brought their concerns to the Legislature, prompting various attempts to amend the PRA. Among the ideas proposed are establishing cost recovery mechanisms for electronic records and records sought for commercial purposes, and permitting governments to limit the time devoted to public records requests to prevent excessive interference with the delivery of other essential government services.

Some open government advocates oppose such changes, asserting that they will limit access to public records and impair government transparency. Indeed, some believe the solution to public records requests challenges will be found not just in changes that affect requesters, but in encouraging governments to adopt practices that can help them manage and disclose public records more efficiently.

Legislators face complex policy decisions as they consider balancing access to public records with efficient government operations. To inform policy deliberations, the Legislature asked the State Auditor's Office (in Engrossed Substitute Senate Bill 6052) to "develop a methodology and conduct a study to establish an accurate cost estimate for providing paper and electronic copies of records in response to requests under the Public Records Act."

During our audit planning efforts, we learned that governments generally do not track public records request data in a way that would allow us to estimate the cost of providing public records requests in paper versus electronic format or to calculate cost per page or megabyte. They do not separate the costs associated with paper versus digital request fulfillment, nor do they track the volume of pages and megabytes produced for each request they fulfill. Given these limitations, we designed this audit to identify:

1. The nature and volume of public records requests Washington's state and local governments receive, and the overall costs of responding to them, regardless of form
2. Policies other states have adopted to address public records requests issues and recover costs associated with fulfilling requests
3. Practices state and local governments can use to effectively manage public records, respond to requests, and make public records more accessible

Despite the high percentage of governments that responded to our survey, we did not attempt to extrapolate our results statewide, because we do not know whether the costs, volume and nature of requests at non-responding governments are similar to those of survey respondents. However, the information we gathered can help:

- Inform policy deliberations as the Legislature considers changes to the PRA
- Stakeholders understand challenges posed by the changing public records landscape
- State and local governments in their continuous efforts to improve their records management and disclosure processes

Background

Washington's Public Records Act

The Public Records Act (PRA) was established in 1972. Its purpose is to ensure the disclosure of government information for the benefit of an informed public. To accomplish this mission, the PRA requires that most records maintained by state and local governments be made available to anyone who requests them. To further promote this policy and protect the public interest, the Legislature determined that the PRA should be liberally construed and its exemptions narrowly interpreted to allow the widest possible access to records. Governments are prohibited from denying requests or discriminating based on the identity of requesters or purpose of requests. Generally, anyone can request access to an array of government records without disclosing who they are or why they want the information.

Local governments (such as cities, counties and school districts) and state governments (including agencies, commissions, boards and universities) must fully comply with PRA records disclosure requirements. They may recover the cost of photocopies made in response to requests; photocopy charges cannot exceed $0.15 a page if the organization has not determined the actual per-page copying cost. The PRA does not specifically allow governments to charge requesters for copies of electronic records delivered through certain electronic media, such as email or online (although they may charge for the cost of a CD, DVD or flash drive). Nor can they recover the cost of staff time spent searching, reviewing, redacting and preparing records for release.

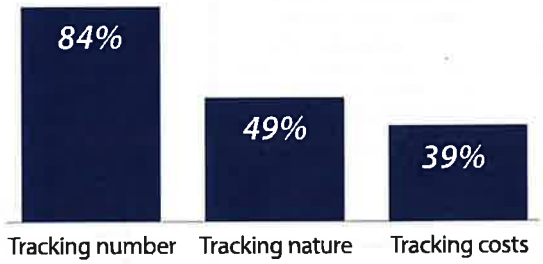
The PRA requirements do not fully apply to the Legislature and the courts. For example, House and Senate emails are not specifically listed as public records under the PRA. Access to court records is governed by court rules and common law, not the PRA, and the courts are now allowed to charge those requesting court administrative records the cost of research and preparation services required to fulfill requests.

Public records management and disclosure processes are decentralized and vary widely

Although state and local governments must comply with the PRA's requirements, the PRA does not specify a standard process to respond to public records requests, nor does it provide for a unified system to manage public records and track requests. Processes for fulfilling public records requests vary between governments, as do the systems they use for managing records and tracking requests.

While the PRA does not require governments to track data on the number and nature of requests they receive or the cost to fulfill requests, some do so. For example, 818 survey respondents reported receiving public records requests in the last five years. **Exhibit 1** shows the percentage of the 818 that said they track the number of requests received, the nature of requests and the cost to fulfill requests.

Exhibit 1 – Percentage of survey respondents tracking number, nature and cost of requests



Source: Auditor analysis of survey results.
Note: 816 survey respondents said they track data for the number of requests, 781 for the nature and 781 for costs.

In the absence of a statewide standard records disclosure process, the Legislature directed the Attorney General's Office to adopt advisory "Model Rules" in 2005. These non-binding rules are intended to establish a culture of compliance among government organizations and a culture of cooperation among requesters by standardizing records disclosure practices throughout the state.

A person can initiate a request for public records in many ways, such as in person, by mail, email, fax or phone. Governments must explain how their records disclosure processes work and offer to help people if they need it. To ensure timely provision of public records, the PRA requires governments to respond to requesters within five business days of receiving a request.

The response to the requester must perform at least one of these actions:

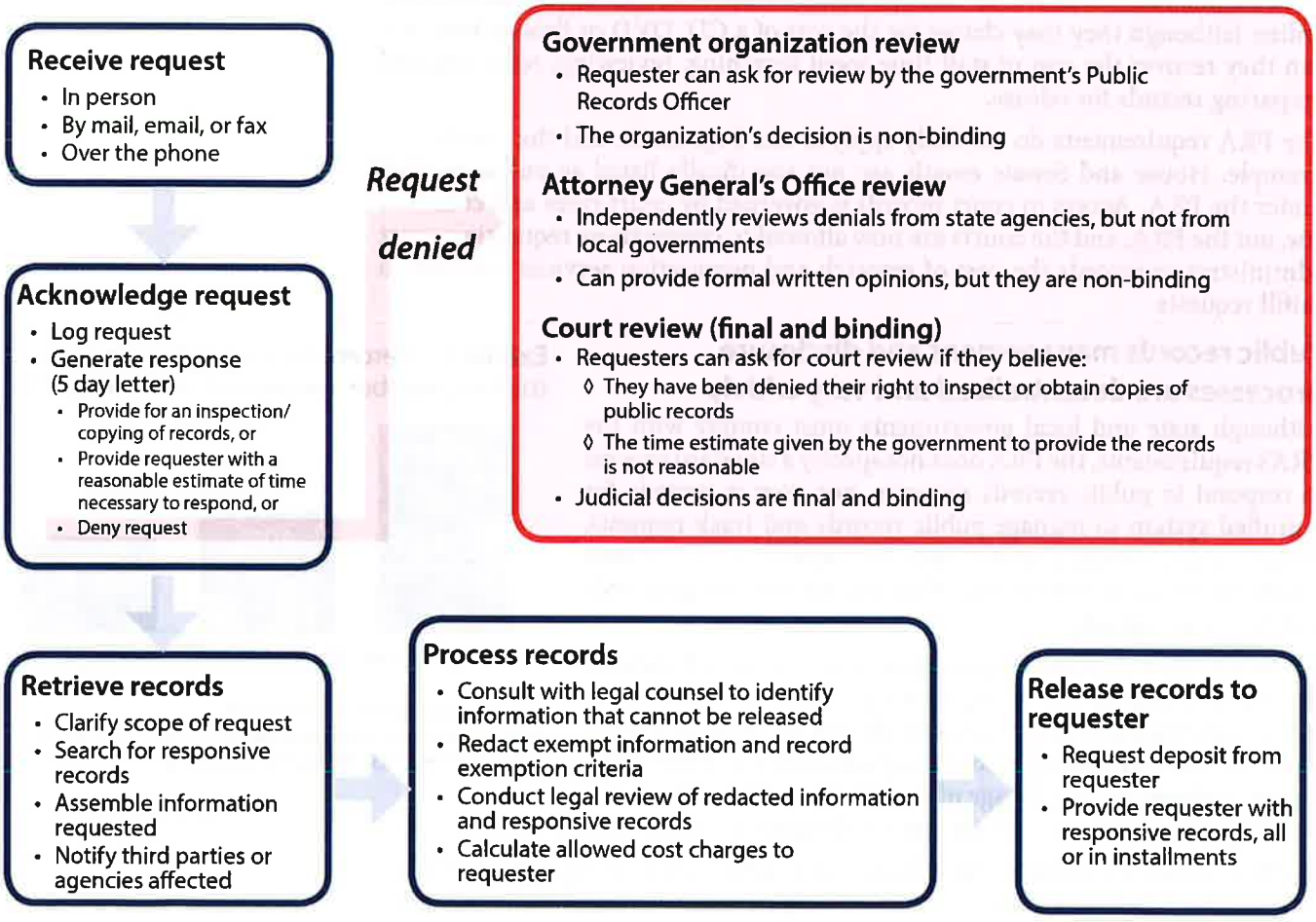
1. Provide for inspection and/or copying of the record.
2. Provide an internet address and link on the organization's website to the specific records requested. If the requester does not have internet access, then the agency must provide copies or allow the requester to view the records using an agency computer.
3. Acknowledge receipt of the request and provide a reasonable estimate of the time necessary to respond.
4. Deny the request. If the request is denied, a written statement detailing the specific reasons must accompany the denial.

Exhibit 2 is a simplified view of key steps governments take to respond to public records requests.

The PRA grants government additional time to respond to a public records request to:

- Clarify the intent of the request
- Locate and assemble the information requested
- Notify third parties or agencies affected by the request
- Determine whether any of the information is exempt and all or part of the request should be denied.

Exhibit 2 – Key steps in responding to public records requests



Source: Auditor analysis of focus groups, interviews with government organizations and research.

Public records exemptions

Governments must provide public records upon request, unless a law exempts or prohibits disclosure of specific information or records. These laws are called "exemptions" and are intended to protect individuals' privacy rights, investigative functions of law enforcement and other agencies and the legitimate business interests of citizens. As of 2016, there were more than 400 public records exemptions established by state law. The number of additional exemptions set by case law and other statutes is unknown. Many court cases create and interpret public records exemptions and the Legislature creates and modifies exemptions almost every year. Washington's Public Records Exemptions Accountability Committee (Sunshine Committee) is charged with reviewing exemptions in state law and making recommendations to the Legislature to repeal or amend exemptions.

Enforcement of the PRA

The PRA allows requesters to ask for a court review of their public records request case if they believe they have been denied their right to inspect or obtain copies of public records, or when they believe the time estimate given by the government organization to provide the records is not reasonable. Governments have the burden of proving a requested record is exempt from disclosure or that their time estimate to provide a full response is reasonable. The PRA further encourages disclosure of records by awarding a requester reasonable attorney's fees, costs and a daily penalty of up to $100 per record if the government fails to meet its burden of proof.

The PRA does not establish alternative dispute resolution mechanisms. However, requesters and governments alike are encouraged to resolve public records disputes without litigation. The Attorney General's Office is authorized to review a state agency's decision to deny a public records request and provide a written opinion, but only the courts can make a final decision on a public records dispute. The Attorney General's Office is not allowed to formally review denials of requests by local governments; however, it may provide information and technical assistance.

Scope & Methodology

We designed this audit to identify:

1. The nature and volume of public records requests Washington's state and local governments receive, and the costs they incur when responding to them
2. Policies other states have adopted to address issues around public records requests and recover costs associated with fulfilling requests
3. Practices state and local governments can use to effectively manage public records, respond to records requests, and make public records more accessible

Identifying the volume and nature of public records requests and the costs to fulfill them

We surveyed Washington's state and local governments to identify the volume and nature of public records requests they receive and how much it costs them to fulfill those requests. We contacted 2,363 state and local governments and 923 responded to the survey, providing an overall response rate of 39 percent. Because we received responses from many large governments, we captured public records request data from a much larger percentage of the state's total population than the response rate might suggest. For example, cities and towns that responded to the survey represent 79 percent of Washington's city and town residents, while responding counties represent 98 percent of Washington's total population.

Given the magnitude and complexity of this survey effort, we contracted with BERK Consulting, Inc., to help us design and administer the survey, and analyze survey results. BERK partnered with the Municipal Research and Services Center to design the survey and provide consultative support.

To facilitate analysis and reporting of survey results, we grouped governments by type in the following categories: state agencies, boards, commissions; cities/towns; counties; post-secondary education institutions; school districts; other special purpose districts; other. **Figure 1** in **Appendix B** list the types of governments included in each category.

It is important to note that this was the first comprehensive effort in Washington dedicated to collecting this type of data from all state and local governments. Participation in the survey was voluntary; survey data is self-reported and cannot be verified because there are no external sources of the data available for comparison. However, we performed data validity checks to ensure that the information which forms the basis of the analysis in this report is sufficiently reliable and provides appropriate evidence to support results and conclusions.

Identifying practices for managing and disclosing public records and recovering costs

To identify practices for managing and disclosing public records and cost recovery methods, we conducted focus groups with entities in Washington, researched and interviewed governments in other states and reviewed relevant literature.

- *Focus groups:* We held five focus group meetings with a variety of state and local governments to identify practices they use to manage public records and fulfill public records requests. We asked how they manage records, respond to requests, provide access to records, and recover their costs. We chose participants based on characteristics such as government type, budget size and geographic location. We also invited some governments that stakeholders knew employed good public records management and disclosure practices.

We met with representatives of 42 governments from across the state

Focus group	Type of government and size	# of governments participating	Participant location
1	Local, Large	8	Northern Puget Sound
2	State agencies, Varying sizes	12	Olympia, WA
3	Local, Medium	10	Southwest/Coastal WA
4	Local, Small	4	Central/Eastern WA
5	Local, Extra small	8	Central/Eastern WA

- *Practices in other states:* We reviewed public records laws and interviewed public records professionals at governments in eight states to identify practices, policies and tools they use for managing and disclosing public records and for recovering costs associated with fulfilling them. We selected states based on any or a combination of the following criteria: recognized as leaders in government transparency, have recently changed their public records laws or have statutory provisions for electronic records. Appendix C contains profiles of the states we researched and interviewed.
- *Literature review* We also reviewed literature on public records management and disclosure to broaden our understanding of leading practices.

We conducted out-of-state interviews with:

- Florida
- Illinois
- Massachusetts
- Minnesota
- Oregon
- Pennsylvania
- Utah
- Vermont

Audit performed to standards

We conducted this performance audit under the authority of state law (RCW 43.09.470), approved as Initiative 900 by Washington voters in 2005, and in accordance with Generally Accepted Government Auditing standards (December 2011 revision) issued by the U.S. Government Accountability Office. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. **Appendix A** addresses the I-900 areas covered in the audit. **Appendix B** contains more information about our methodology.

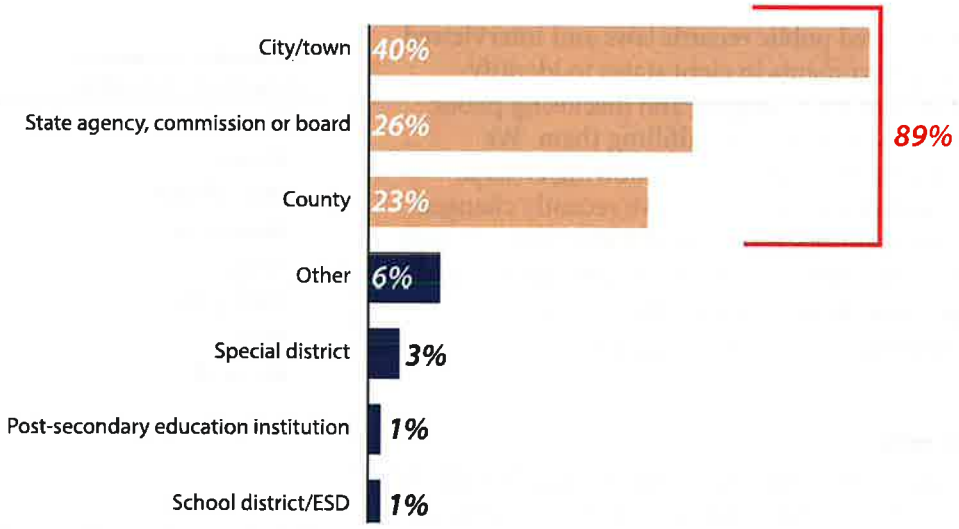
Next steps

Our performance audits of state programs and services are reviewed by the Joint Legislative Audit and Review Committee (JLARC) and/or by other legislative committees whose members wish to consider findings and recommendations on specific topics. Representatives of the State Auditor's Office will review this audit with JLARC's Initiative 900 Subcommittee in Olympia. The public will have the opportunity to comment at this hearing. Please check the JLARC website for the exact date, time, and location (**www.leg.wa.gov/JLARC**). The State Auditor's Office conducts periodic follow-up evaluations to assess the status of recommendations and may conduct follow-up audits at its discretion.

Governments of all types and sizes receive public records requests, from a variety of requesters

Most state and local governments, regardless of their size, receive public records requests. A wide variety of governments responded to our survey, ranging from small cities and special purpose districts with few employees to large state agencies, cities, counties and universities with million-dollar budgets. Combined, those that responded received more than 285,000 public records requests in their most recent calendar or fiscal year. As **Exhibit 3** shows, three types of governments received the majority (89 percent) of requests: cities and towns, state agencies and counties. (To view the number of survey responses that supplied data for the analyses in this section of the report in one table, see Figure 3 in Appendix B.)

Exhibit 3 – Three types of governments received 89% of the 285,000 public records requests in the most recent year



Source: Auditor analysis of survey results.

Note: Most recent year may be calendar or fiscal year, and not the same year for all survey respondents. 794 survey respondents supplied data for this analysis.

The types of records requested from governments depend on the services they provide, as the list below illustrates.

Typical public records requests

- Agendas and meeting minutes
- Emails
- Police reports and 911 service records
- Video footage
- Purchase orders
- Licensed individuals
- Land development, real estate plots
- Planning and building annexations
- Offender records
- Municipal codes and ordinances
- Employee job titles and salaries
- Budgets and contracts
- Property assessments and taxes
- Litigation
- Water management
- Pesticide use practices
- Subscriber or customer consumption
- Tenant records
- Environmental property
- Public utilities and parks

81%

Of survey respondents said they received public records requests in the last five years

Exhibit 4 illustrates the great range in the number of requests received by Washington's governments, grouped as we categorized them for analysis and reporting purposes. It shows the total requests for each category, as well as the maximum and average (mean) number received by individual governments. These numbers are for one year only and represent requests received by 794 of the 923 survey respondents. Not all governments track requests, and some were able to provide request information only for one department, not the entire organization.

Exhibit 4 – The number of public records requests Washington's governments receive varies significantly

Most recent year results for the 794 survey respondents that provided data on requests received

Government type as grouped for analysis	Requests received by government type	Requests received by individual government	
	Total	Maximum	Average (mean)
City/Town	114,973	16,157	639
State agency, commission, or board	74,354	12,366	1,019
County	64,319	7,648	731
Other governments	16,814	9,022	290
Special districts	9,246	977	35
Post-secondary education institution	2,935	1,000	133
School district/ESD	2,541	558	23

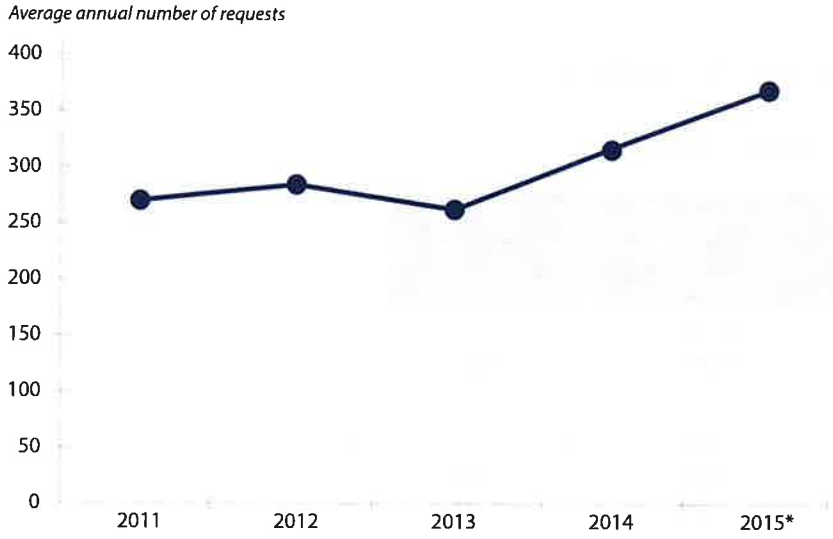
Source: Auditor analysis of survey results.

Note: Most recent year may be calendar or fiscal year, and not the same year for all survey respondents. Numbers include actuals and estimates. Governments that track requests received provided actual numbers. Those that do not track, but had the information necessary to estimate, provided estimates.

Requests have increased in number and complexity

People make many more requests for public records than ever before. From 2011 to 2015, the average (mean) number of requests state and local governments received increased by 36 percent (**Exhibit 5**), with the greatest growth in the last two years.

Exhibit 5 – The average number of public records requests increased by 36% from 2011 through mid-2015



Source: Auditor analysis of survey results.
*Notes: * 2015 was a partial year. Data shown is only for those governments that had data for all five years.*
434 survey respondents supplied data for this analysis.

Beyond quantity, most governments (81 percent) also reported receiving increasingly complex requests, such as those asking for "any and/or all records" on a topic, without a timeframe, or involving records that are not easily identified, located or accessed. The examples below illustrate such requests.

Examples of complex requests that took a substantial amount of time to fulfill

In 2015, the City of Kirkland received requests for:

1. All records that related to a City Council member without a limit, no matter the location or device containing the record. It took the city 160 business days to complete this request.
2. All written material produced by all volunteers working for the city from January 1, 2013, to the present. The request specifically asked for the records to be provided in electronic format with original metadata. As of July 2016, the city had already spent 285 business days fulfilling this request and more work remains to fully satisfy it.

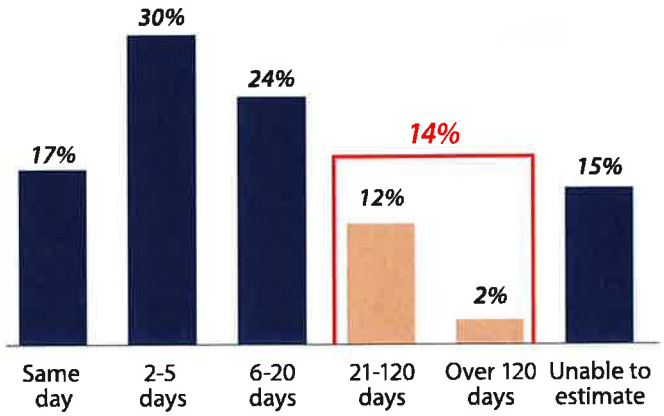
In 2014, the Washington State Patrol received a request for:

- All dash camera videos not involved in litigation. The requester asked that the Patrol upload the videos to YouTube. The Patrol has estimated this request would take 563 years to fulfill.

Complex requests take a substantial amount of staff time to fulfill and the costs are correspondingly higher. The broad and/or vague nature of complex requests requires governments to coordinate among multiple departments and staff to identify, retrieve and redact information exempt from disclosure. These efforts contribute to longer response time. While governments indicated they delivered almost 45 percent of requests within five business days, it took them more than 21 business days to respond to 14 percent of the requests they received in the most recent year (**Exhibit 6**).

Exhibit 6 – 14% of public records requests took 21 or more business days to fulfill

Percent of requests fulfilled by duration, most recent year results



Source: Auditor analysis of survey results.

Notes: *"Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents.*
738 survey respondents supplied data for this analysis.

Public records requests can be denied if they do not meet PRA requirements

Under existing public records laws, requesters can make requests that do not meet PRA requirements. In these situations, the government must make its case that the request is unfulfillable.

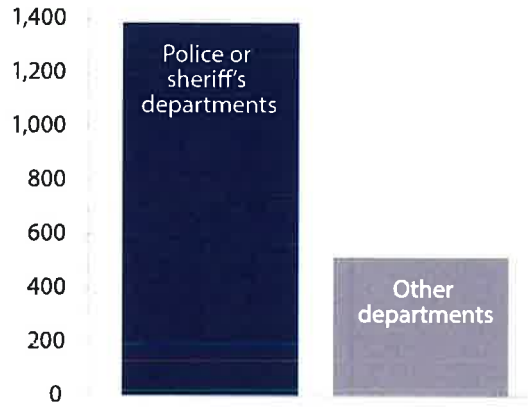
- In 2015, a requester asked the University of Washington for all university records dating back to "the formation of the Earth 4.54 billion years ago." In its response, the university concluded that the request did not qualify as a proper public records request because it did not ask for specific identifiable records.
- In 2015, a requester asked about 65 state agencies for "all emails with meta-data in the .MSG file format." The requester asked that the agencies provide the records through an FTP server, cloud storage service or agency website at no charge.
  The State Attorney General's Office could not estimate the time needed to fulfill the request, but did estimate it would involve obtaining about 600 million emails. These emails would have to be reviewed to determine whether redaction was required.
  In its response, the Attorney General's Office concluded that the state is under no obligation to respond because the request did not meet two criteria: it was not a request under the PRA and it did not satisfy the PRA's "identifiable record" requirement.

The workload and expense of responding to requests affects governments of all types and sizes

Small governments tend to struggle with fulfilling records requests, even if they receive few of them, because they have limited staff resources and technological capabilities. It is not uncommon for small organizations to depend on the same employee for providing critical services while also handling public records requests. Our survey analysis found that some organizations with few employees receive a high volume of requests and incur high costs in responding to them. Police and sheriff's departments are examples of units of government that due to the nature of their operations receive a large number of requests (**Exhibit 7**).

Exhibit 7 – Police and sheriff's departments received more than twice the number of requests compared with other departments

Average annual number of requests in the most recent year, for cities/towns and counties



Source: Auditor analysis of survey results.
Note: "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents.
272 survey respondents supplied data for this analysis.

Some larger governments also find request fulfillment challenging because they receive far more requests. Two percent (20) of the state and local governments responding to our survey accounted for more than half of all requests received and costs incurred in the most recent year. They included many of the largest governments in Washington.

For governments without dedicated staff and resources to automate searches for data and to review and redact information, complex requests can unduly interfere with providing other essential government functions, as employees are pulled away from other duties to help search for, review, redact or copy documents. The larger the volume and the more complex the requests, the more challenging it becomes for governments to provide essential services to the public while meeting requests for records.

Typical records requested from police or sheriff's departments:

- DUI reports
- Accident reports
- Incident reports
- Internal affairs investigations
- Video and audio tapes

19%

of survey respondents said responding to public records requests results in "excessive interference with other essential functions of the agency"

Abandoned requests accounted for 8 percent of all requests

Governments reported that about 8 percent of the requests they received in the most recent year were abandoned by requesters at different points during the response process. For instance, some requesters:

- Withdrew their request before it was completed
- Did not respond when government asked them to clarify the request
- Did not inspect the requested records
- Did not collect the copies of requested records
- Did not pay the required deposit or final payment for requested records

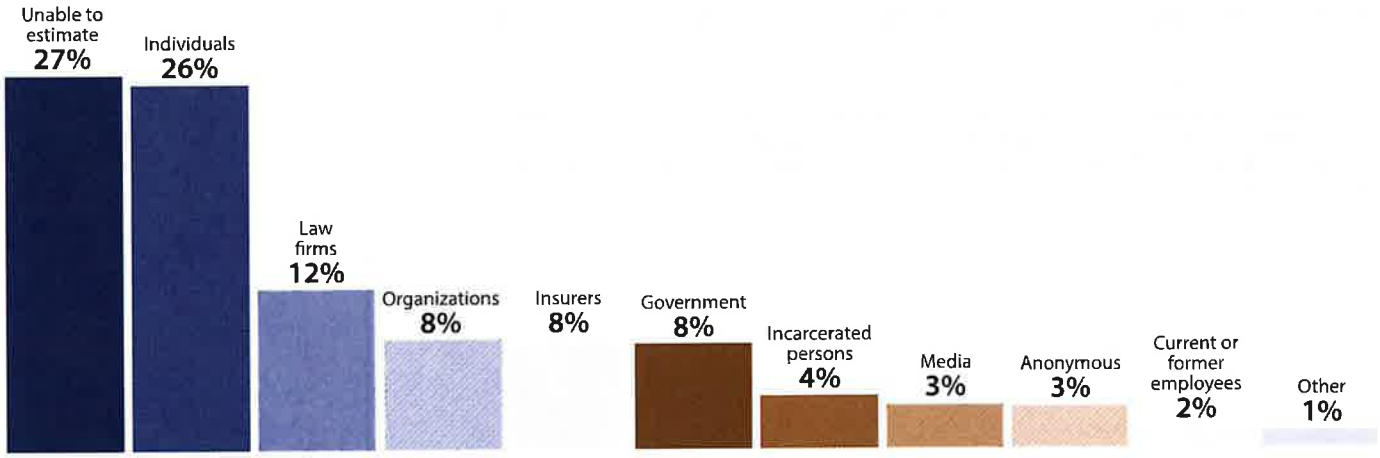
The people requesting public records are as diverse as the governments that serve them

State and local governments receive requests from a variety of requesters. While the PRA generally does not require requesters to identify themselves or say why they want public records, some requesters voluntarily provide this information. Some governments told us they can occasionally identify requesters based on the nature of information they ask for or through face-to-face interactions during inspection of records.

Exhibit 8 illustrates the diversity of requesters: individuals, law firms, governments, insurers, incarcerated persons, media, current or former employees, and for-profit and nonprofit organizations. Survey respondents said they could not draw any conclusions about the identity of around 27 percent of requesters; 3 percent intentionally identified themselves as "anonymous."

Exhibit 8 – Public records requests come from a variety of requesters

Percent of requests by requester in the most recent year



Source: Auditor analysis of survey results.

Note: The 'Organizations' category includes political groups, labor unions, research and advocacy groups, and businesses. "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents. 781 survey respondents supplied data for this analysis.

Individuals, law firms, and for-profit and nonprofit organizations made nearly half of the total requests in the most recent year. Governments reported that only about 10 percent of requests originate outside Washington.

Contrary to the popular belief that news media make more requests for public records, our analysis found that other groups, such as insurers and people in prison, make more requests than journalists.

Fulfilling public records requests cost Washington's state and local governments more than $60 million in the most recent year

Government transparency and the activities related to providing access to public records does not come without cost: Washington's state and local governments spend millions of dollars annually. Together, governments that responded to our survey reported spending more than $60 million in the most recent year alone.

Exhibit 9 illustrates the great variability in costs incurred; in addition to totals by government type, it shows the maximum and mean average costs incurred by individual governments. They represent costs incurred by 541 of the 923 survey respondents. Not all governments track costs, and some were able to provide cost information only for one department, not the entire organization.

State agencies, cities/towns, and counties combined accounted for 82 percent of

Exhibit 9 – The cost of fulfilling records requests also varies significantly

Most recent year results for the 541 survey respondents that provided cost data

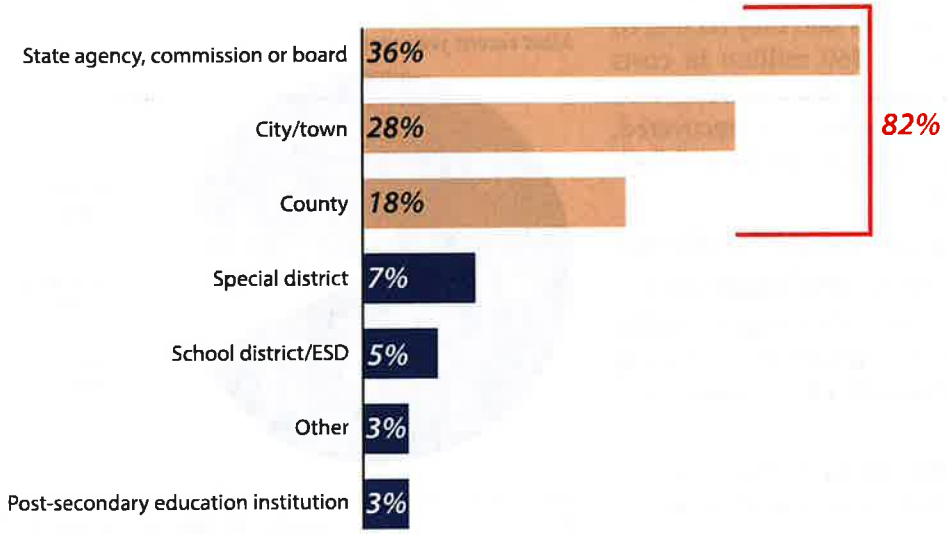
Government type as grouped for analysis	Costs incurred by government type	Costs incurred by individual government	
	Total	Maximum	Average (mean)
State agency, commission, or board	$22,058,165	$6,746,268	$373,867
City/Town	$16,772,830	$1,397,343	$137,482
County	$11,213,530	$2,161,123	$200,242
Special districts	$4,232,504	$438,188	$23,912
School district/ESD	$2,871,610	$367,103	$39,883
Other governments	$2,089,128	$334,380	$49,741
Post-secondary education institution	$1,752,489	$921,721	$134,807

Source: Auditor analysis of survey results.

Note: "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents. Cost figures include actuals and estimates. Governments that track costs provided actual cost data. Those that don't track, but had necessary information to estimate, provided estimated costs.

the total spending (**Exhibit 10**).

Exhibit 10 – Three types of governments spent 82% of the $60 million in costs incurred



Source: Auditor analysis of survey results.

Notes: "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents.

541 survey respondents supplied data for this analysis.

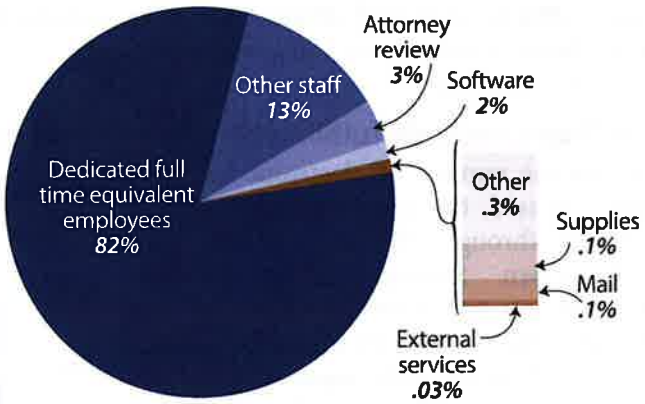
Staff time is the largest cost incurred in fulfilling public records requests

Survey analysis showed that staff time needed to locate, review, redact and prepare public records for release to requestors makes up 98 percent of the expense incurred in responding to requests (**Exhibit 11**). The remaining miscellaneous costs include software licenses, mail, supplies and external services.

Despite the availability of software and practices that aid in the disclosure of public records, critical aspects of the process cannot be automated. A prime example of an essential step that cannot be automated is the review and redaction of information exempt or prohibited from release to the public, such as social security numbers, medical records or student records. No software can automatically identify exempt or protected information in a paper or electric record. Without the thorough review conducted by staff and/or legal counsel, there is a greater possibility of releasing protected information, which could place individuals at risk for identify theft and governments at risk for cyber-security attacks or lawsuits.

Exhibit 11 – Employee time is the greatest expense in fulfilling records requests

Most recent year results



Source: Auditor analysis of survey results.

Notes: Governments that track costs do so mainly for employees they designate to respond to records requests, not for every employee who collects information to satisfy a request. Reporting most recent year results.

"Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents.

493 survey respondents supplied data for this analysis.

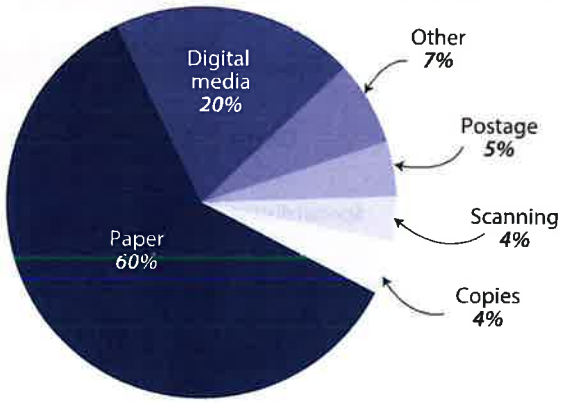
The distinction between human effort and the remaining expenses is important because the PRA limits the nature and dollar amount of recoverable costs.

Governments can only recover a small fraction of the costs they incur

Existing law does not permit governments to charge requesters for staff time, the greatest expense in providing public records. In the most recent year, survey respondents said they recovered less than 1 percent (or $350,000) of the $60 million in costs they incurred. Paper makes up the largest share of recovered costs; **Exhibit 12** shows the proportion of other costs recovered, including physical media devices (such as CDs, DVDs and flash drives), postage, copies and scanning.

Exhibit 12 – Paper makes up 60% of recovered costs

Most recent year results



Source: Auditor analysis of survey results.

Notes: "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents.

47 survey respondents supplied data for this analysis.

The greater cost of public records request fulfillment is ultimately borne by governments and taxpayers

Because the PRA does not make those who request public records responsible for most of the costs involved in fulfilling their requests, governments, and ultimately all taxpayers, bear the costs of public records requests.

Most governments surveyed said they try to recover some or all costs allowable under the PRA. But some said they do not pursue cost recovery under certain circumstances: the request takes little time to fulfill, it involves a small number of records, or the cost is minimal (for example, under a self-imposed threshold such as less than $20).

Participants in focus groups offered insights into cost recovery. Some participants said that for simple requests, the expense of processing a payment is often higher than the amount the PRA allows them to recover. The expense to them outweighs the benefit of recovering costs. However, others believe recovering expenses is worthwhile because it motivates requesters to make reasonable requests; it also alleviates some of the costs on government, especially when responding to labor-intensive requests.

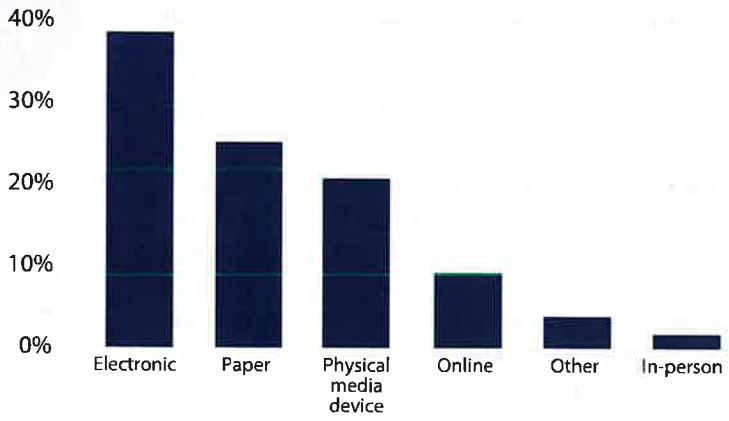
Electronic records: fulfillment, expense and cost recovery

Just as the number of electronic records has increased, the percentage of requests fulfilled through electronic media has also grown. Survey analysis showed governments now fulfill about half of the requests they receive by email or online through their own file transfer protocol (FTP) sites or cloud services like Box and Dropbox (**Exhibit 13**).

The medium of delivery matters because the PRA refers to charges for copies and photocopies. Many governments have interpreted this language as not permitting cost recovery for electronic records provided through email or online, and only allowing recovery for the cost of physical media devices the document is copied on to such as a CD, DVD or flash drive.

Exhibit 13 – Electronic records fulfillment has surpassed paper

Percentage of requests fulfilled by each delivery method, most recent year results



Source: Auditor analysis of survey results.

Note: *"Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents. 715-718 survey respondents supplied data for this analysis.*

The PRA does not establish a uniform definition of what constitutes "an electronic record." Some governments told us they consider as electronic records "those converted to digital format," such as scanned paper documents. Others consider as electronic records materials "born digital," including video, audio, databases, word processing documents, spreadsheets, web content, social media and text messages.

Very few of the governments responding to the survey said they track the cost of providing records electronically separately from providing them on paper or other formats. The expense of delivering electronic records does not differ significantly from other formats. Similar to requests fulfilled in paper format, governments report that the primary cost is the staff time needed to locate, review and redact the electronic records. Other costs include software and hardware to store, retrieve, search, redact and convert records to electronic format, and online delivery services.

The cost of fulfilling public records requests continues to rise

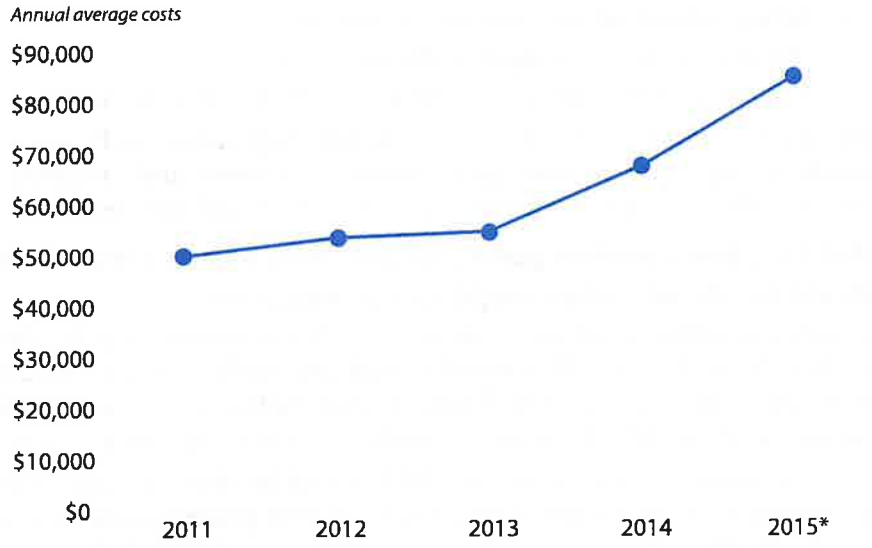
After analyzing the data provided by survey respondents, we found the cost to fulfill public records requests has risen in the last five years, most sharply between 2013 and 2015. Overall, annual average (mean) costs increased by 70 percent in the last five years (**Exhibit 14**).

Several factors contribute to the increase in spending, including:

- The public is making more requests
- Requests are more complex, requiring additional staff to fulfill
- Governments are investing in technology that facilitates records management and disclosure

Governments without the resources to invest in IT solutions that facilitate records management and disclosure may devote more personnel time to organize, search and redact records. Although IT solutions may require an initial investment, some governments find that they can help speed up the search, retrieval and redaction of records, consequently expediting the response to requesters.

Exhibit 14 – The average (mean) cost to fulfill public records requests increased by 70% from 2011 to 2015



Source: Auditor analysis of survey results.

*Note: * 2015 was a partial year. Data shown is only for those governments that had data for all five years. 89 survey respondents supplied data for this analysis.*

Governments' management and disclosure of public records is complicated by the exponential growth of information and changing, complex public records laws

The volume of information has grown more rapidly than governments' capacity to manage it

Advances in technology – such as email, dashboard cameras, cellphones, complex databases and sophisticated software – have transformed the way government conducts its business. Today's governments must maintain far more material than their counterparts of two generations ago, when the PRA was being formulated. As digitally stored information multiplies and becomes more interconnected (for example, an email containing a link to a document in a network folder and an embedded URL to an agency website), information management, processing, storage, security and disclosure become increasingly complex.

As Washington's state and local governments accumulate data in all its myriad forms, they face commensurate challenges managing it. Unlike the days of paper stored in filing cabinets and marked for destruction in archival boxes, maintaining records today requires investing in personnel and technology for storing and securing digital files and using centralized data management systems and software to search and inventory records. However, many governments cited a lack of sufficient resources to conduct activities that could help the records management and disclosure process be more efficient, such as:

- Providing training
- Setting up centralized databases of records
- Organizing records using an indexing system
- Acquiring technology for searching, retrieving and redacting records

Without the resources, practices and tools that help reduce inefficiencies in the records management process, governments, requesters and taxpayers are all subject to a less efficient and more expensive records disclosure process.

Changing and complex public records laws add to the challenges governments face when responding to requests

Records management and disclosure has been further complicated by changes in case law, driven by court decisions that establish legal precedent regarding what information can and cannot be disclosed. This complexity has cost implications and adds to the workload that governments face when responding to requests.

The Legislature determined that the PRA should be liberally construed and its exemptions narrowly interpreted to allow the widest possible access to records. As a result, the PRA's definition of a public record is very broad; it does not specify which information is not disclosable. Instead, hundreds of exemptions, generated by state law and case law, set boundaries around and narrowly define information that is exempt or prohibited from release to the public.

Changes to public records laws surrounding exemptions are frequent and often piecemeal, requiring that governments stay well-informed. However, keeping up-to-date on these requirements is a challenge. Focus group participants told us many exemptions are narrowly focused, which makes it challenging to apply them and for an employee without a legal background to identify what information can be shared publicly.

This complexity creates legal risks because confidential information may be released exposing the public to harm and the organization to litigation. These risks make governments more hesitant to post information online proactively, fearing the consequences of misinterpreting the scope or applicability of exemptions, which could include litigation and fines.

Government employees often turn to legal counsel to ensure they:

- Provide all responsive records to requesters
- Do not release exempt or protected information
- Do not redact information that should be disclosed

However, this preventive effort often carries the disadvantages of increasing the cost of fulfilling records requests and delaying responses to requesters. Organizations such as the Municipal Research and Services Center (MRSC) offer some guidance and information about exemptions. But governments report they still find the list of exemptions and their applicability to specific situations a challenge as well as a source of legal risk.

Public records exemptions

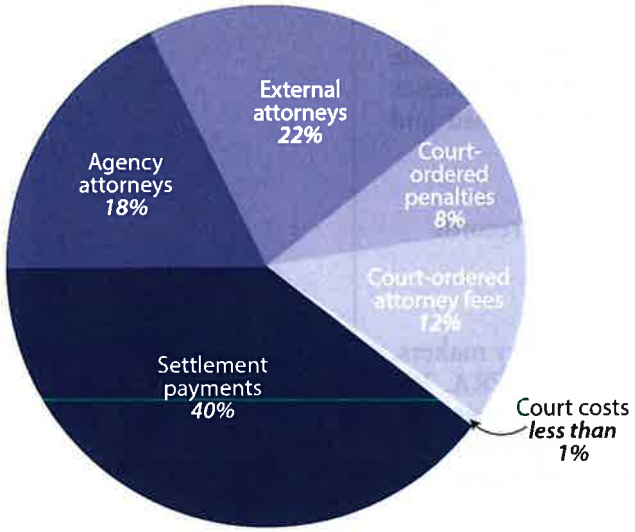
As of 2016, there were more than 400 public records exemptions established by state law. The total number of exemptions set by case law and other statutes is unknown.

Public records litigation affects governmental costs and transparency

Litigation costs can have a severe impact on the financial position of some organizations, especially those with small operating budgets. Seventeen percent of survey respondents – large and small – indicated they were involved in public records litigation over the past five years, and spent more than $10 million in the most recent year alone. Typical litigation expenses incurred include settlement payments, legal review, legal counsel, and court-ordered fees and penalties. Attorney costs (both in-house and external counsel) and settlement payments together account for nearly 80 percent of litigation expenses (**Exhibit 15**).

Exhibit 15 – Settlement payments and attorney costs account for nearly 80% of litigation expenses

Results for most recent year



Source: Auditor analysis of survey results.

Note: Percentages show a breakdown, by expense type, of the $10 million in litigation costs governments incurred in the most recent year. "Most recent year" may be calendar or fiscal year, and not the same year for all survey respondents. 130 survey respondents supplied data for this analysis.

Examples of the effect litigation has on governmental budgets

- In 2016, the City of Prosser settled a public records lawsuit for $175,000. The suit was filed by a Prosser resident who contended the city delayed, ignored or improperly handled 41 of 213 public records requests made in 2006. The City reports it spends an average of 4 percent of its general funds – about $160,000 annually – to process requests from the same person. The City's attorney said the case was settled because it could have taken years to complete a court trial, which would likely have cost more than $500,000.
- In 2016, Clallam County negotiated a settlement for $550,000 with a couple who sued for public records in 2014. The *Peninsula Daily News* reported that the settlement came about after officials discovered thousands of documents in a basement that should have been provided earlier.

The effect of public records litigation extends beyond monetary costs. For example, risk of litigation tends to make governments more cautious in their dealings with the public, inadvertently slowing down the records disclosure process. They may spend more time conferring with legal counsel to ensure they do not release information exempt or protected from disclosure or withhold information that should be released. Such caution is expensive and the delays may further expose governments to legal risk as some requesters may accuse the government of an unreasonable response time.

We also found that the fear of litigation discourages some governments from implementing innovative technology and approaches, despite the potential for cost savings and efficiencies. For example, governments in some states will share software for records management and the associated costs. However, some of Washington's governments said they avoid this practice to prevent unintentionally withholding public records from other agencies that they have been in contact with and which should be provided to requesters. They also expressed concerns about the shared responsibility for review and litigation costs arising from requests.

Some focus group participants and survey respondents said they have discontinued or not adopted innovations that would seem reasonable but which they perceived as exposing them to greater risk. Some technologies would create new records subject to disclosure, such as body, dashboard and video cameras; text and instant messaging; and social media like Twitter and Facebook. Others touch on records management, including data sharing agreements; still others relate to online web portals and records delivery services. Cities and towns were the most likely to report having discontinued or not adopted technology due to the perceived risks associated with producing and retaining new types of public records and using these technologies.

Other states have developed or revised statewide policies to address the changing public records landscape

Washington is not alone in considering changes to its public records laws. Other states have found that because the nature and volume of requests has changed dramatically over recent years, changes in statewide policy are necessary to promote the original intent of open government and public records laws while also ensuring that core government operations are not compromised. Other states have addressed challenges associated with an increasing volume of broad and complex requests through policies that:

1. Differentiate requesters and requests by their purpose
2. Recover material and personnel costs associated with disclosing records
3. Develop a statewide alternative dispute resolution program
4. Address complexities in public records laws

Many of these policies are worthy of consideration as Washington policy makers, in consultation with other stakeholders, explore amendments to the PRA. We mention a few examples of policies already in place in Washington, these are mainly to illustrate alternative approaches and/or to show where Washington has already acted on a leading policy. **Appendix C** contains profiles of the states we researched and interviewed.

1. *Differentiate requesters and requests by their purpose*

We found that some states have policies that permit a nuanced consideration of the nature of the request and the requester: these policies distinguish between private citizens and commercial, business or high-volume requests. For example, Illinois has developed a tiered approach that identifies four categories of requests: voluminous, commercial, recurrent and "unduly burdensome." The law allows governments to recover costs for voluminous records requests based on the actual size of the request, ranging from $20 for requests larger than 20 megabytes to no more than $100 for requests over 100 megabytes. The same law grants governments additional time to respond to requests from recurrent requesters – people that submit several requests within a set span of time.

Other states explicitly permit governments to recover costs associated with requests that are commercial in nature, reasoning that using government data to advertise or sell products or services has a weaker link to public interest or benefit than do other requests. Two of the states we examined, Illinois and Massachusetts, as well as the federal government, allow government organizations to recover personnel costs related to commercial requests, sometimes after a certain number of hours have been spent fulfilling the request.

2. *Recover material and staff costs associated with disclosing records*

A common approach to providing relief to governments is to authorize them to recover costs associated with disclosing records. Doing so permits governments to focus on core functions while being able to add personnel for the disclosure process or tools that can improve efficiency. We found that states differ in the policies they use to allow cost recovery, but the most common areas of recovery are related to the number of pages in a request, the cost of materials and postage, and personnel time used to fulfill a request.

Florida allows governments to recover personnel costs after 15 minutes of extensive use of clerical resources, inspection, or information technology used to fulfill a request.

Most states that we studied permit governments to recover the costs associated with personnel time based on a variety of methods. For example: Utah, Massachusetts and Florida allow cost recovery for the hourly rate of the lowest paid employee that can fulfill the request. Others charge for personnel costs based on the type of work being completed – often a higher cost for more complex tasks such as database extraction. Vermont, for instance, allows government organizations to charge personnel time for the following categories:

- **Record duplication**: $0.33 a minute after the first 30 minutes
- **Data extraction** conducted by senior-level staff and IT specialists: $0.57 a minute after the first 30 minutes
- **Creating a new public record**: $0.57 a minute after the first 30 minutes

Most of those states have instituted parameters for when personnel time can be charged. For instance, a Florida court decision determined that if a request requires more than 15 minutes to process, governments can recover personnel costs. The U.S. State Department charges between $21 an hour and $76 an hour for the time it takes to search and duplicate records after the first two hours of search time or after the first 100 pages of duplication.

Washington has already determined that, in certain circumstances, it can be acceptable to pass government expenditure back to requesters. As of January 2016, all courts and judicial agencies in Washington are allowed to recover personnel costs at a fee not to exceed $30 an hour after the first hour of research and preparation services required to fulfill a request. This change to General Court Rule is intended to allow access to court administrative records without unduly affecting the business of the judiciary.

Policy considerations for changes related to charging fees

The approaches previously mentioned, while allowing governments to recover costs and limiting unduly burdensome requests, have policy implications that may affect the public's access to information. The following are policies other states have adopted to prevent limiting access to public records.

Discretion for fee waivers

Many requests for information are easy to fulfill. Giving governments the discretion to waive fees allows the disclosure processes to remain efficient and cost effective because it is typically easier for entities to provide records without charging a fee for small, simple requests.

Fee thresholds

Public records laws in other states often have fee thresholds that limit fees for requests under a certain dollar amount, time limit or page number. For instance, the federal government allows fees to accrue only after two hours of searching and charges by page only after 100 pages of records. In Florida, governments can recover costs only after the first 15 minutes of work towards fulfilling a request.

Differentiate requesters

To advance accessibility to public information, several states have policies that prevent entities from recovering costs from select requesters such as members of the news media and academic organizations.

3. Develop a statewide alternative dispute resolution program

Mediation and alternative dispute resolution options are generally less expensive and more expedient than going to court. Demonstrating willingness to negotiate has the added benefit of improving trust between governments and requesters. Many states offer alternative dispute resolution programs, either voluntary or mandatory, for those who want to appeal a decision about a request for public records. For example, Florida instituted a voluntary mediation program within the Attorney General's Office to mediate disputes; Illinois established a Public Access Counselor that mediates disputes and issues binding and final opinions under administrative law.

The Public Access Counselor in the Office of the Illinois Attorney General has jurisdiction to resolve and mediate public records disputes.

Some states, as well as the federal government, use an administrative appeal process rather than directing requesters to petition a court review of their public records case.

Pennsylvania uses administrative appeals to resolve public records disputes.

Florida uses an informal voluntary mediation process to resolve public records disputes.

4. Address complexities in public records laws

Some states we researched have made efforts to address problems with changing and complex public records laws. Similar to Washington, Vermont's Legislature developed a subcommittee to review and streamline exemptions. Additionally, Vermont's subcommittee compiles exemptions under one section of law. Vermont's Secretary of State also works with and encourages lawmakers to flag records exemptions while creating exemptions through rule, allowing governments to quickly locate and categorize them. Moreover, Vermont's Secretary of State works directly with legislators while exemptions are being created to add time limits on exemptions.

To make it easier for governments to find exemptions applicable to different kinds of information, Vermont's Secretary of State created an online database of exemptions that can be easily searched by different categories of information. Washington employs a similar approach. For instance, Washington's Office of the Code Reviser creates a Word document with a list of exemptions established by state law. This word document is posted on the Sunshine Committee webpage.

Oregon is currently making reforms to better streamline the state's public records laws and exemptions.

Practices that improve records management and disclosure complement statewide policy

Policy decisions guide the state's overall path regarding public records requests and warrant careful consideration and evaluation. In addition to these policies, the changing records environment necessitates increased efficiency and effectiveness in the way that records are managed and provided to requesters. We identified practical actions state and local governments can consider taking to efficiently manage and provide public records without compromising their core business. They include:

1. Communicate with requesters thoughtfully and as needed
2. Manage request fulfillment to maximize benefits to requesters and minimize disruptions to critical services
3. Disclose information before it is asked for
4. Develop a coordinated, agency-wide strategy and institutional culture around records management
5. Collect and retain only necessary records
6. Organize records for easy search and retrieval
7. Adopt strategies and organization-wide policies to accommodate the complexity of public records laws
8. Reduce the potential for litigation and mitigate its impact

It is important to mention that implementing some of these practices may require policy changes and some governments will need funding and other resources. While some of the governments we talked to already use some of these practices, many cited a lack of sufficient resources to put them into practice, even if they would add efficiencies.

1. Communicate with requesters thoughtfully and as needed

A simple and inexpensive way to address challenges associated with complex and broad requests is to clarify the request by communicating directly with requesters. Many focus group participants said they already use this strategy. Clarifying the scope of a request helps the requester receive the records they intended to get – no more, no less – and narrows the search the organization must conduct to find and prepare records. Leading practices also recommend governments give the requester relevant updates throughout the process, either directly or through a website or portal service.

Washington's public records laws allow governments to close requests if requesters do not respond to their request for clarification. Vermont recently passed similar legislation to allow governments to better help requesters by refining the scope of requests.

By publically communicating the type of information a government maintains, requesters can make more informed decisions about the records they request. Governments might want to consider additional topics for communications with requesters:

- How the request was interpreted by the organization
- Status of the request
- How the search is being conducted
- Scope of the request
- Anticipated response times
- Any fees or procedural requirements

Good communication practices can generally improve the requester's experience, reduce unnecessary delays, and potentially avoid disputes and unnecessary costs.

2. Manage request fulfillment to maximize benefits to requesters and minimize disruptions to critical services

Broad, complex requests can exhaust human resources and hamper an organization's ability to fulfill other, simpler requests. People in our focus groups and in other states suggest making an effort to expedite fulfillment of simple requests – without requiring requesters to fill out forms. Making the process simpler and more efficient benefits both the requester and government. However, expediting fulfillment of simpler requests may require policy changes.

We found broad consensus among federal guidelines, other states and focus group participants for the practice of providing records as they are processed, in installments, rather than waiting to assemble everything needed for a large request. The benefits include more timely disclosure, increased usefulness of the records to the requester, and improved resource allocation for governments, as they can budget time for fulfilling requests while delivering core services.

Governments in Washington use a variety of tools to help search for records and/or manage requests including: GovQA, Enterprise Content Management (ECM), e-discovery, Access databases and Excel workbooks.

Washington's public records laws allow governments to produce records in installments and close the remainder of a request if an installment is not claimed or reviewed by the requester.

3. Disclose information before it is asked for

Leading practices suggest that governments have a public service obligation to promptly disclose records that would be of public interest, without waiting for a records request. By identifying particular records that may be of interest to the public – or that they know from experience will be frequently requested – and posting them online, governments might reduce entire streams of records requests. During a highly publicized controversy, for example, Oregon's governor released over 94,000 emails at once, rather than responding to individual requests for emails as they arrived. These emails are now searchable by subject, date, sender and recipient.

Actively sharing public records, based on frequently requested information or current events, may help lower costs by reducing time personnel spend answering multiple requests for the same information.

An emerging tool for sharing information is the public records portal. Many state and local governments across the country have established websites, or open records portals, to publish the records requests they receive and the responses to those requests, among many other things. Survey respondents and focus group participants said they found software such as GovQA and Next Request especially helpful; these tools have public-facing features that allow people to search for information without the need for a formal request.

Several governments in Washington, such as Clark County and City of Kirkland, have a public records portal where information seekers can search public records, submit requests, and view past published requests.

Leading practices recommend that proactively disclosing records should not be a one-time effort. Governments should develop an ongoing process for identifying records of public interest and suitable for publication and posting them online regularly. The guidelines recommend that decisions to identify records appropriate for online posting be made by a team of people that include records professionals, IT personnel, and program specialists. Although proactively disclosing information online has its costs, actively sharing public records, based on frequently requested information or current events may help lower costs in the long run by reducing the time employees spend answering multiple requests for the same information.

Utah has a statewide, centralized open records portal where record seekers can view information released as a result of public records requests.

4. Develop a coordinated, agency-wide strategy and institutional culture around records management

Our conversations with other states and research on leading practices suggest that taking a strategic approach to records management is a key step to better disclosure of government information.

Garner buy-in and support from executive leadership

Governments we spoke with and literature we reviewed describe the importance of support, collaboration and buy-in from executive leadership and others throughout the agency. Coordinated efforts help ensure that the records management and records disclosure process is made a priority across the organization.

Establish a cross-division steering committee for records management

Successfully implementing a records management program requires a coordinated effort with the right individuals across organizational departments, including business professionals, managers and executive leadership and technology professionals. Some leading practices recommend assembling a cross-division executive steering committee comprised of senior management, the organization's records management officer and other records management staff, IT professionals, legal staff, and records custodians. Committees can be tasked with the following:

- Staying abreast of changes in public records laws
- Updating policies, templates, guidelines, and procedures for public records requests including how records are organized, preserved, and disposed of
- Ensuring that staff receive needed guidance, training and tools for effectively handling file management, records requests, and related duties

King County Executive Branch reported that to foster an institutional culture around records management, it holds periodic file-a-thons where records custodians manage their records.

Actively collaborate with technology professionals

In this electronic age, one of the most important internal partners in establishing a records management strategy is the organization's IT department. Actively collaborating with technology professionals is vital to maintaining electronic records: they create and maintain the infrastructure within which records reside. IT professionals can also help identify available tools that can be used to better manage the types of records an organization generates and easily search for information in the event of a records request.

For easier coordination of request response efforts, Minnesota manages requests by having main points of contact for each division in an agency and makes an inventory of data available.

Coordination between different parts of the government can help set clear expectations for what is needed in technology tools. It enables both records managers and technology professionals to understand their role in the records disclosure process, including proper use and support for IT solutions.

5. Collect and retain only necessary information

Strategically collect only necessary information

Gathering only that information which is necessary to conduct agency business reduces the later need and cost for redaction when records are requested. One focus group participant told us her organization regularly reviews all forms to ensure staff do not collect confidential or sensitive information. The organization purposely excludes social security numbers from personnel files to reduce the need for redaction if a requester asks for personnel records.

If it is necessary to gather confidential or sensitive information, federal guidelines recommend separating releasable data from exempt data in order to make the disclosure process easier.

Systematically retain only necessary records

Formalized records destruction practices and policies help organizations locate and retrieve documents for requests and legal discovery, control the costs of information storage, and make it easier to dispose of records at the end of their business life or retention period. A significant number of documents and emails are transitory in nature and could be disposed of early, eliminating the need for search and review in the event of a request.

Records retention schedules are set in state law. Leading practices advise, when possible, applying a single records retention schedule supported by records management policies and procedures, and implementing it consistently across departments. They also suggest integrating retention schedules into file and email management processes as well. Several governments we spoke with use formal records retention schedules that apply across divisions and functions to ensure records are kept only as long as legally required and operationally necessary.

Some governments in Washington use:

- Records retention checklists
- Software systems that have integrated records retention schedules

6. Organize records for easy search and retrieval

Managing electronic files can be overwhelming without an organized method for naming and storing files. Once a government decides what to keep and puts policies in place to implement records management, it must organize the data and documents so they can be quickly and easily found if requested – and destroyed on the schedule that applies to each.

Utah's Davis County inventories records with their title, purpose, type, and retention period to better manage and locate records.

Literature suggests governments can improve their access to and retrieval of records by cataloging or indexing their records using electronic filing systems, or making use of each file's embedded metadata. Leading practices suggest that records custodians can make it easier to locate and identify records if they carefully apply filing processes and tools. Governments manage and organize their records using a variety of tools, such as databases that catalog their records, systematic filing, email archiving systems, electronic filing systems with integrated records retention schedules, and software programs that can search an entire network of information.

Similar to other states, Washington requires governments to index records.

Exhibit 16 sets out four areas of records management and IT solutions for governments that were mentioned in focus groups.

Exhibit 16 – Examples of IT solutions that facilitate public records management and disclosure

Task needed	What the software does	Product examples
Requests management	Organizes records, tracks and responds to public records requests	GovQA, WebQA, Next Request
Records management	Consolidates emails and builds automated records retention schedules into email folders. It also archives emails in the cloud.	Vault, Smarsh
	Help capture, manage, store, preserve, and deliver information.	ECM Solutions
Email searching	Speeds complex email searches	Discovery Accelerator
Document redaction	After review by a person, efficiently redacts information exempt from disclosure from documents requested by requesters	Adobe Acrobat Pro

Source: Auditor analysis of focus group results.

Systematic filing

Electronic filing practices, such as indexing records, developing consistent naming conventions and considering file formats, help ensure that files can be retrieved quickly. Selecting formats that are common, open-sourced, easily convertible and that include documentation about the content, context, and/or structure of the record, reduces the likelihood someone must convert files into a different format for requesters.

Yakima Regional Clean Air Agency said it organizes files in an Access database it developed. Entries have hyperlinks to any associated files on a network server.

7. Adopt strategies and organization-wide policies to accommodate complexity of public records laws

Washington governments employ some strategies to address the changing nature and complexity of public records laws by creating summary lists that simplify and clarify exemptions applicable to the records the specific agency manages and providing training to staff on applicable laws.

Governments in other states, such as the City of Philadelphia, allow police departments to handle their own public records requests to accommodate the differences in exemptions and non-disclosable information, the types of records they generate and the business practices they follow.

8. Reduce the potential for litigation and mitigate its impact

Many of the practices and policies mentioned throughout this report can help reduce the potential for litigation. However, lawsuits may not always be preventable. This section discusses some approaches governments have taken to mitigate the impact of litigation.

Provide a user-friendly dispute process

Providing a user-friendly process for disputing government decisions on records requests can help address requesters' concerns that might otherwise result in costly litigation. Leading practices recommend that governments provide an accessible dispute resolution process in both regulations and other communication. Allowing requesters to submit appeals by email or on a website may be faster, cheaper and more convenient for both requesters and the agency processing the appeals.

Illinois' Attorney General's Office developed a structured legal advice hotline for governments and requesters. The hotline is staffed with several attorneys and has many phone lines to provide greater accessibility. While the hotline does not offer formal legal advice, it provides general information about public records laws and how to apply laws in similar situations.

In Washington, the Open Government Ombudsman at the Attorney General's Office provides similar assistance to governments and requesters.

Document decisions, rationale and search processes

Make it clear to requesters why certain information was not released, as required by the PRA. Governments reported documenting search processes, using exemptions logs, and other tools that track information to help prove the adequacy of search processes and avoid litigation. Logs contain the nature of material withheld or redacted from a public record and cite the exemption and the rationale for its applicability. Focus group participants said they provide a copy of the exemption log to the requester when the request is fulfilled, as required by the PRA. They also suggest carefully documenting correspondence with requesters and maintaining organized records of responses to avoid future lawsuits.

Rely on legal counsel when necessary

Engaging legal expertise to determine if a record is releasable can reassure governments that the decisions they make regarding disclosure are legally sound. However, there are tradeoffs with involving legal counsel: increased costs and the time added to the records disclosure process.

Conclusion

Washington's PRA guarantees the public broad access to information about government conduct to foster sound governance. Our interactions with state and local governments showed their commitment to foster an open, accessible and accountable government. However, government transparency does not come without cost. A changing public records environment and a broad PRA that has not kept pace with present-day issues has contributed to a government that is more expensive, overburdened and ultimately less accessible.

Unlike other states we studied, Washington's public records laws do not distinguish between types of requesters, do not limit the number of records or requests a person can make, and lack boundaries to prevent requesters from compromising the efficiency of government operations. This liberal access contributes to an increasing volume of broad and complex requests that absorb more staff time to fulfill, consequently interfering with other essential government functions and increasing costs to taxpayers. Insufficient resources and limited ability to recover costs, coupled with a fear of potential litigation, means governments find it more challenging to fulfill increasingly complex requests, thereby slowing the disclosure process for all requesters. Amid the deluge of requests and insufficient resources, governments may be hesitant or unable to adopt innovative practices and tools that could make the disclosure process more efficient.

But even governments with limited resources have opportunities to incorporate efficient information management and disclosure practices. We found several strategies that can help, noted in the report and appendices. Even so, other states have found that practices and tools alone are limited in their effectiveness to address public records challenges. They have implemented statutory or regulatory changes to promote the original intent of public records laws while also ensuring that core government operations are not compromised.

Providing access to government records in a manner that does not limit the public's access to information or unduly affect government operations is challenging. The responsibility to find this balance is shared among the Legislature, governments and the public. Our research shows that a combination of statewide policy changes and better information management and disclosure practices are needed to keep pace with changing times.

This report can help inform the Legislature and stakeholders about the existing state of Washington's public records environment and how other states are managing similar challenges. It also provides information on practices and tools that governments can consider as they continue to improve their records management and disclosure processes.

Appendix A: Initiative 900

Initiative 900, approved by Washington voters in 2005 and enacted into state law in 2006, authorized the State Auditor's Office to conduct independent, comprehensive performance audits of state and local governments. Specifically, the law directs the Auditor's Office to "review and analyze the economy, efficiency, and effectiveness of the policies, management, fiscal affairs, and operations of state and local governments, agencies, programs, and accounts." Performance audits are to be conducted according to U.S. Government Accountability Office government auditing standards.

In addition, the law identifies nine elements that are to be considered within the scope of each performance audit. The State Auditor's Office evaluates the relevance of all nine elements to each audit. The table below indicates which elements are addressed in the audit. Specific issues are discussed in the Audit Results section of this report.

I-900 element	Addressed in the audit
1. Identify cost savings	**No.** The objectives did not include identification of cost savings. However, we identified the costs state and local governments incur to respond to public records requests and practices for recovering such costs. We also found practices for effectively managing and disclosing public records that may help governments recover costs and achieve efficiencies that result in cost savings.
2. Identify services that can be reduced or eliminated	**No.** Washington's public records laws promote government transparency by providing the public with access to government records. Therefore, we did not consider a reduction or elimination of this service.
3. Identify programs or services that can be transferred to the private sector	**No.** The objectives did not include examining whether any of the processes or services involved in the management and disclosure of public records could be transferred to the private sector.
4. Analyze gaps or overlaps in programs or services and provide recommendations to correct them	**No.** The objectives did not include an analysis of gaps or overlaps in the processes, programs, or services involved in the management and disclosure of public records.
5. Assess feasibility of pooling information technology systems within the department	**No.** The objectives did not assess the feasibility of pooling information technology systems within governments or departments.
6. Analyze departmental roles and functions, and provide recommendations to change or eliminate them	**No.** The objectives did not include analyzing department roles or functions.
7. Provide recommendations for statutory or regulatory changes that may be necessary for the department to properly carry out its functions	**No.** We did not make specific recommendations, but implementation of the practices we identified to recover costs associated with responding to public records requests and to address other public records issues will likely require statutory or regulatory changes.
8. Analyze departmental performance, data performance measures, and self-assessment systems	**No.** The objectives did not include analyzing department roles or functions.
9. Identify relevant best practices	**Yes.** We identified policies for addressing issues associated with responding to public records requests; we also identified practices for managing records, responding to public records requests and making information more accessible to the public.

Appendix B: Methodology

Survey of Washington's state and local governments

We surveyed Washington's state and local governments to collect relevant Public Records Act (PRA) requests information, including, but not limited to:

- The volume and nature of public records requests governments receive
- The costs they incur in fulfilling those requests
- Practices, policies and tools they use to manage public records and respond to requests

Given the magnitude and complexity of this survey effort, we contracted with BERK Consulting, Inc., to help us design and administer the survey, and analyze survey results. BERK partnered with the Municipal Research and Services Center (MRSC) to design the survey and provide consultative support. BERK's consultants have expertise in data collection, cost studies, survey design, administration and analysis. MRSC's staff have expertise in matters around the PRA, public records request issues and local governments.

Survey population

We wanted to survey all state and local governments that are subject to the PRA and for which we could obtain contact information. We asked the Washington Association of Public Records Officers (WAPRO) and several local government associations to help us find those contacts not already in our internal database, and verified that we had correct information with the governments themselves. We were able to obtain contacts for and send the survey to 2,363 governments across the state. **Figure 1** shows the types of governments we surveyed, grouped as they were for our analysis.

Figure 1 – The types of governments we surveyed, grouped by category

Category	Type of entities included in category	
Agency, commission or board	State agencies, commissions or boards	
City/Town	Cities and towns	
School district/ESD	School districts, Educational Service Districts (ESD)	
County	Counties	
Post-secondary education institution	Universities and four-year colleges Community and technical colleges	
Special districts	Air Pollution District Cemetery District Conservation District Diking/Drainage District Fire Protection District Flood Control District Health District Hospital District Irrigation and Reclamation District Library District	Mosquito/Pest/Weed District Park and Recreation District Port/Airport District Public Facilities District Public Utility District (PUD) TV Reception District Transportation Benefit District Water/Sewer District
Other governments	Economic/Industrial Development Authority Emergency Management Service Government Association Housing Authority Insurance Pool/Risk Management	Local/Regional Trauma Care Councils Public Development Authority Regional Planning Council Regional Support/Community Network Transportation Authority Water Conservancy Board

Survey development

We spoke to a variety of stakeholders to hear their perspectives as we assembled possible survey questions, and convened an expert panel of public records officers from various state and local governments to review and discuss the draft survey. Finally, we asked several people from a mix of governments to test the survey and accompanying cost estimation tool. This group gave us feedback on question clarity, phrasing, the amount of time needed to respond to the survey, and the likelihood that survey respondents would be able to provide certain types of information. If you would like to view survey questions, you can download a PDF copy of the 48-page survey on our website (www.sao.wa.gov).

Survey promotion

To raise awareness about the survey and encourage participation before launching it, we:

- Sent governments pre-survey notices explaining the survey's intent, topics and anticipated delivery date
- Collaborated with WAPRO and local government associations to encourage participation
- Gave an overview of our objectives and approach to the House Local Government Committee and to more than 400 public records officers at the 2015 annual WAPRO conference
- Created a page on the State Auditor's Office website to keep people informed about our progress

Survey administration

The survey was administered through Survey Monkey. We sent the survey to the public records officer or specific staff that each government organization designated as the appropriate person to respond. The survey was officially open from November 2 through December 15, 2015. During the survey administration period, we sent reminders to those who had not responded, hosted a webinar to answer questions about the survey, and offered technical assistance via a dedicated email address and telephone number.

Survey responses

Of the 2,363 unique governments contacted, 923 responded to the survey, providing an overall response rate of 39 percent (see **Figure 2** for response rate by government type). Respondents ranged from small special purpose districts to large state agencies, from counties to universities. The 39 percent response rate understates the breadth of data we received because the response rate was significantly higher for governments that represent a large percentage of the state's total population. For example,

- 58 percent of cities and towns responded to the survey; they represent 79 percent of Washington's city and town residents
- 82 percent of counties provided at least one departmental response; they represent 98 percent of Washington's total population

Despite the high level of representation in the survey, we did not attempt to extrapolate our results statewide, because we do not know how similar non-responding governments are to survey respondents.

Figure 2: Survey response rate by government type

Type of government	Contacted	Responded	Rate
State government (state agency, commission or board)	141	80	57%
Local governments (all)	2,222	842	38%
County	39	32	82%
Post-secondary education institution	37	22	59%
City/Town	283	165	58%
School district/ESD	283	115	41%
Special district	1,311	431	33%
Other governments	269	78	29%
Total state and local governments	**2,363**	**923**	**39%**

Although 923 governments responded to the survey, we received 1,016 survey responses because some decentralized governments provided separate responses from distinct departments. **Figure 3** shows the number of responses to survey questions used as the basis for exhibits in this report. The number of responses for each question varied for several reasons, including:

- Respondents were not expected to answer every survey question. The survey employed skip logic to ensure they were asked only relevant questions
- Not all governments track the data we asked for. For example, 818 survey respondents reported receiving public records requests in the last five years. While 84 percent said they tracked the number of requests received, only 49 percent of them collected information on the nature of requests received, and only 39 percent tracked data on the costs they incurred fulfilling requests.

Governments that track information on the number, nature and costs to fulfill public records requests provided actual data. Those that do not track, but had the necessary information to estimate, provided estimates. Analyses in this report include both actual and estimated data.

Figure 3: Number of survey responses for select analyses in report

Exhibit number	Exhibit title	Number of responses
1	Percentage of survey respondents tracking information on number and nature of requests received and cost to fulfill them	Number = 816 Nature = 781 Cost = 781
3	Three types of government received 89% of the total 285,000 public records requests in the most recent year	794
4	The number of public records requests Washington's governments receive varies significantly	794
5	The average number of public records requests increased by 36% from 2011 through mid-2015	434
6	14% of public records requests took 21 or more business days to fulfill	738
7	Police and sheriff's departments receive a large share of requests compared to other departments	272
8	Public records requests come from a variety of requesters	781
9	The cost of fulfilling records requests also varies significantly	541
10	Three types of governments spent 82% of the $60 million in costs incurred	541
11	Employee time is the greatest expense in fulfilling records requests	493
12	Paper makes up 60% of cost recovered	47
13	Electronic records fulfillment has surpassed paper	715-718
14	Cost to fulfill public records requests increased by 70% from 2011-2015	89
15	Settlement payments and attorney costs account for nearly 80% of litigation expenses	130

Survey analysis

We conducted qualitative and quantitative analyses. Quantitative responses were analyzed using descriptive statistics, such as frequency distribution, averages, medians, minimums and maximums. Participation in the survey was voluntary.

Given the self-reported nature of the data, we conducted validity testing to ensure that the information which forms the basis of the analysis in this report is sufficiently reliable and provides appropriate evidence to support results and conclusions. For example, we reviewed the data for outliers and internal consistency to ensure that answers did not contradict one another, and followed up with additional questions for clarification when necessary. Other data validation tests conducted included looking for duplicates, missing data, incorrect values, and significant increases and decreases in values from year to year.

Appendix C: State Profiles

The following summaries of public records laws in eight states and the federal government illustrate the variety of ways other states have developed or updated their laws to address the challenges associated with providing access to public records to ensure a transparent yet efficient government.

FLORIDA 43
ILLINOIS 44
MASSACHUSETTS 46
MINNESOTA 48
OREGON 49
PENNSYLVANIA 50
UTAH 51
VERMONT 52
FEDERAL 53

A snapshot of other states' public records laws

Feature addressed	WA	FL	IL	MA	MN	OR	PA	UT	VT	Federal
Recoverable costs										
Copies, materials and other	$0.15 / page	$0.15/page one-sided, $0.20/page double-sided copies	$0.15/page after 50 pages	$0.20/ page, $0.50/ computer printout	$0.25/page	Yes	Up to $0.25/page	Yes	Yes	$0.03 - $0.25 / page
Personnel and labor (May include searching, inspecting, reviewing, redacting, or copying)	No	hourly rate of lowest paid capable employee	Yes	hourly rate of lowest paid capable employee	after 100 pages	Yes	No	hourly rate of lowest paid capable employee	Yes, if time >30m; if new record generated	after 100 pages
Provisions specific to electronic information	No	Yes	Yes	No	Yes	No	Yes	No	No	No
Extra charges for commercial purposes	No	No	Yes	Yes	Yes	No	No	No	No	Yes
Requesters and disputes										
Limits certain requesters	No	No	Recurrent requesters	No	No	No	Legal residents of United States	No	No	No
Restricts purpose or use	No	No	No	No	No	No	No	Yes	No	No
Dispute resolution	Attorney General's Office	Mediation with Attorney General's Office	Mediation with Attorney General's Office	Sec. of State	Commr. of Admin.; Admin. appeal	Attorney General's Office	Open records office; Admin. appeal	Head of agency; Records Committee	Head of agency	FOIA Liaison; Mediation Services; Advisory Opinions
Branches of governments subject to public records laws										
Covers all branches of government	No (not legis/ judicial)	Yes	No (not judicial)	No (not legis)	No (not legis/ judicial)	No (not legis/ judicial)	Yes	Yes	Yes	No (not legis/ judicial)
Non-governmental entities supported by public funds	Not stated	Yes	Yes	Not stated	Yes	Yes	Yes	Yes	Not stated	No

FLORIDA

Florida's public records laws allow any person to inspect and copy records at reasonable times and under reasonable conditions. Laws do not differentiate between different types of requests by their purpose (such as between commercial and noncommercial). Requesters are entitled to view the records of all state, county or municipal governments, as well as any other public or private organization acting on behalf of one of these governments.

Recoverable costs

Governments may charge requesters for certain costs and require them to pay the charge in full before duplicating requested documents.

Copies, materials and other costs

Government may charge $0.15 per page for one-sided copies, $0.20 for two-sided copies and $1.00 for certified copies. They may also charge for the actual cost of duplication – including physical materials and supplies given to the requester (such as disks, tapes or CDs).

Personnel costs

Governments may charge requesters a special service fee for inspecting public records when the nature or volume of those records require "extensive" use of IT resources or clerical or supervisory assistance. Charges must be based on the actual labor (including both salary and benefits of an employee) or computer costs the government incurred. "Extensive" has been defined by Florida's courts as material that takes more than 15 minutes to locate, review, copy and refile.

Electronic records

Governments can give requesters remote access to public records and charge them a fee for this access, which may include direct and indirect costs.

Dispute resolution

The Florida Legislature has created a voluntary mediation program within the Attorney General's Office to mediate disputes involving access to public records. The Attorney General's Office is required to:

- Employ mediators to resolve public records disputes
- Recommend legislation regarding access to public records, and
- Assist the Department of State in preparing training seminars on access to public records

Proposals to limit attorney fees

In 2016, Florida's House and Senate proposed – but did not pass – legislation that would have eliminated the award of attorney fees to requesters when governments wrongfully denied access to public records.

ILLINOIS

The Illinois Freedom of Information Act gives any person, including corporations, firms, associations, partnerships and other organizations, the right to request public records. Requesters are not required to tell governments the purpose of their request, except to clarify if the request is for commercial purposes or to obtain a fee waiver. Public records laws apply to all legislative, executive and administrative or advisory bodies of the state. Application to the legislative branch is limited and does not include drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated by the Legislature. The Act does not apply to the judiciary branch, as determined by case law and an opinion of the Attorney General.

Recoverable costs

Illinois' public records laws give governments the flexibility to impose, reduce or waive fees, but they must provide requesters with an accounting of all fees, costs and personnel hours in connection with a request. Governments must also give requesters an estimate of fees to be charged and may require that requesters pay in full before duplicating requested documents.

Copies, materials and other costs

The only costs that are recoverable are those related to physical materials given to the requester (copies, disks, tapes or CDs). The first 50 pages of a request fulfilled with paper copies are free. Governments can charge $0.15 page for requests exceeding 50 pages, but they have the option to charge less.

Personnel costs

Public records laws allow governments to recover personnel costs for commercial requests. They may recover up to $10 per hour for search, review and redaction of records. Commercial requests are defined as those used for sale, resale, solicitation or advertisement.

Electronic records

Laws enacted in 2014 allow governments to charge requesters by the volume of records they receive. The voluminous records provision of the law sets out a fee schedule by megabyte as illustrated in **Figure 4**. Governments may charge the fee even if the requester fails to accept or collect records. The provision does not apply to the following requesters: members of the news media and non-profit, scientific, or academic organizations.

Notable changes in public records laws

In 2014, Illinois' General Assembly instituted several revisions to public records laws. It declared that the public policy of Illinois is to promote the transparency and accountability of public bodies partly by providing all persons with full and complete information about government affairs. This principle, coupled with ensuring that requests do not unduly burden public resources or disrupt the work of public bodies, led the state to establish provisions in public records laws to give governments authority to recover costs from requests that are considered "unduly burdensome." The Illinois Freedom of Information Act now distinguishes different types of requests including: commercial requests, repeat requests, and voluminous requests as shown in **Figure 4** on the following page.

While these provisions give Illinois' governments greater protection, they have also come under criticism. Opponents of these laws state that while it is unlikely that governments are trying to hide information, these protections are a disincentive for governments to provide user-friendly records that could benefit the public.

Figure 4 – Brief summary of 2014 changes to Illinois public records laws

<table>
<tr><th>Request type</th><th>Definition</th><th>How the law addresses bottlenecks</th></tr>
<tr><td>Voluminous</td><td>• Five or more requests for five or more different categories of records
• Requests for five or more categories in 20 business days
• A compilation of 500 or more pages
• Charges do not apply to requests made by the news media, nonprofit, scientific, or academic organizations</td><td>• Governments receive an additional five days to respond to requests.
• Fees are charged by megabyte (MB) for electronic records
<table><tr><th>PDF document</th><th>Non-PDF</th><th>Maximum charge</th></tr><tr><td>Under 80 mb</td><td>Under 2 mb</td><td>$20</td></tr><tr><td>80-160 mb</td><td>2-4 mb</td><td>$40</td></tr><tr><td>Over 160 mb</td><td>Over 4 mb</td><td>$100</td></tr></table></td></tr>
<tr><td>Recurrent</td><td>A recurrent requester is a person who submits any of these:
• 50 requests in a year
• 15 requests in 30 days, or
• 7 requests in 7 days</td><td>Governments receive additional time to respond to requests (21 business days)</td></tr>
<tr><td>Commercial</td><td>Requests used for sale, resale, solicitation or advertisement</td><td>• Requesters must disclose any commercial purpose
• Entities receive additional time to respond to requests (total of 21 business days)
• Entities can recover up to $10/hour for search, review, and redactions</td></tr>
<tr><td>Unduly Burdensome</td><td>Repeated requests asking for records that are unchanged or identical to records previously provided or denied</td><td>Before denying the request, governments must inform requesters and give them an opportunity to adjust the request. Governments have the option to require that requesters pay an estimate of fees to be charged before fulfilling the request.</td></tr>
</table>

Dispute Resolution

The Public Access Counselor established in the Office of the Illinois Attorney General has jurisdiction to resolve and mediate public records disputes and may issue binding opinions, which are considered final decisions under administrative law. Alternatively, any person denied access to records may file suit in circuit courts.

MASSACHUSETTS

Massachusetts' public records laws allow any person to request government records and does not discriminate based on the purpose of the request. Requesters can inspect the public records of any Commonwealth agency, executive office, department, board, commission, bureau, division or authority, any of their political subdivisions, and any authority established by the general court to serve a public purpose. However, the Public Records Law does not apply to the Massachusetts State Legislature and its committees or to the state courts.

The cost recovery mechanisms listed below were in place during the period of our research.

Recoverable costs

For any request expected to cost more than $10.00, the records custodian is required to provide an estimate of the anticipated cost. Governments may waive fees where disclosure would benefit the public interest.

Copies, materials and other costs

Governments can charge $0.20 per page for photocopies, $0.25 per page for microfilm copies, and $0.50 per page for computer printouts. Records custodians may also charge the actual cost of reproducing a copy of a record that is not susceptible to ordinary means of reproduction, such as large computer records or over-sized plans.

Personnel costs

Governments may charge a fee for the time spent searching, redacting, photocopying and refiling a record. The hourly rate may not be greater than the prorated hourly wage of the lowest paid employee capable of performing the task.

Dispute resolution

Requesters can petition denied requests with the Supervisor of Records in the Secretary of State's Office which handles public records appeals for the state and can hold hearings on the appeal. If the government fails to comply with decisions made in an administrative order, an appeal may be filed in Superior Court or with the Supreme Judicial Court.

Notable changes in public records law

During the 2016 legislative session, Massachusetts lawmakers enacted a bill to overhaul the state's public records process. When the legislation takes effect on January 1, 2017, it will:

- Provide free educational materials and guides to government entities
- Provide guidance on communicating and working with requesters to modify the scope of requests
- Require governments to track and document requests, including the time to fulfill the request, fees charged, appeals and final adjudication of any court proceedings
- Extend response time for "frivolous" requests made with the intent to intimidate or harass

The changes establish and further define the state's cost recovery structure as noted below.

Recoverable costs

Copies, materials and other costs

In order to better reflect the actual cost of reproducing documents with current technology, lawmakers reduced the price of copies to $0.05 a page.

Other costs

If the request has a commercial purpose (sale or resale of any portion of the record or use of information to advance business interests), entities may charge no more than $25 per hour for segregating or redacting information.

Personnel costs

Agencies can charge employee time to search for, compile, segregate, redact or copy records:

- After four hours for state agencies
- After two hours for municipalities with a population of more than 20,000 people
- For the lowest paid employee who has the necessary skill required to complete the request
- At no more than $25 an hour

Dispute resolution

The new legislation allows the Superior Court to award attorney fees and punitive damages against the defending government of between $1,000 and $5,000.

MINNESOTA

Minnesota's Government Data Practices Act allows anyone to request access to public records, including any individual, partnership, corporation, association, business trust, or a legal representative of an organization. Requesters are not required to state the purpose for their requests.

The Act applies to information created and maintained by state and local governments. It does not apply to the legislature or the courts, but other laws make certain records from these public bodies available for disclosure. Non-governmental bodies are subject to public records laws if they qualify for public funds or if they perform services under contract for the government.

Recoverable costs

Governments can charge fees to recover costs for providing public data. Requesters are required to pay the actual costs of searching and retrieving government data, unless the requester is the subject of the data. Governments may also charge an additional "reasonable fee" if the requested data "has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity."

Copies, materials and other costs

Governments may charge no more than $0.25 a page if the request is for 100 or more pages of black and white, letter or legal size paper. Other recoverable costs include:

- Cost of media (CD ROMs, DVDs, etc.)
- Mailing costs
- Costs of reproduction that the government cannot do such as photographs

Personnel costs

Governments can recover personnel costs. These are calculated based on the wages and benefits of the lowest-paid employee who could complete the task. Recoverable activities include searching, retrieving and copying records.

Electronic records costs

Governments may charge a reasonable fee based on actual costs for remote access to data where either the data or the access is enhanced at the request of the person seeking access. However, governments we researched said they find it difficult to define the actual costs.

Dispute resolution

Requesters who believe they were wrongly denied access to data may ask the Commissioner of Administration to issue an opinion with respect to the nature of the data sought. These opinions are not binding on a public agency, but must be given deference during court proceedings regarding the data. Requesters and governments may also seek a hearing with the Office of Administrative Hearings.

Minnesota governments encouraged to publish information online

Minnesota's Information Policy Analysis Division (IPAD) encourages governments to upload commonly requested information online as a means to preemptively address requests. IPAD also recommends that governments prioritize requests based on size, volume and complexity.

OREGON

Oregon's Public Records Law states that every person has a right to inspect any public record not expressly exempt from disclosure, regardless of purpose. Public records laws broadly apply to state and local governments and the courts. The state Legislative Assembly is not subject to the Public Records Law.

The court established a six-part test to determine if non-governmental organizations which are supported by public funds are subject to the Public Records Law. This test examines factors such as:

- Did government create the organization?
- Does the organization performs traditionally governmental or private functions?
- Does the organization make binding resolutions or merely recommendations?

Recoverable costs

State and local governments can charge fees for the actual costs of providing records. But they must demonstrate and support the reasonableness of the charges. They must also provide an estimate of fees to requesters prior to proceeding with fulfilling the request if fees exceed $25.

Copies, materials and other costs

Governments may independently establish charges for copies of public records, but the charge must reasonably reflect the actual cost.

Personnel costs

Governments may charge for copies including the employee time spent locating, reviewing, compiling, separating exempt material, summarizing, tailoring and copying the record and administrative overhead.

They may also charge for attorney time in redacting and segregating exempt and non-exempt records, but they may not charge for any attorney time spent to determine the applicability of exemptions.

Notable changes in public records law

In 2016, a task force led by the Oregon Attorney General's Office began reviewing current laws to recommend improvements to Oregon's Public Records Act. Some changes being considered include:

- Establishing a time frame in which governments are required to respond to requests
- Establishing an independent third-party position to mediate public records disputes
- Reducing the number of exemptions in the law

Dispute resolution

Any person denied access to inspect or receive copies of public records may ask the Attorney General for a review of their case. If records are still withheld, or if the Attorney General's decision is unsatisfactory, the government or the requester can seek relief in relevant circuit courts.

Lake Oswego's Cost Sharing

The Lake Oswego Police Department (LOPD) partnered with neighboring law enforcement departments and used cost sharing to purchase a records management system called Versaterm, saving money for all participants.

PENNSYLVANIA

Pennsylvania's Right-To-Know Law allows legal residents of the United States to access public information. Public records laws apply to all commonwealth, local, state, executive, legislative and judicial governments. Laws also apply to any non-governmental organization that performs or is intended to perform an essential government function.

Recoverable costs

Governments may be able to charge reasonable fees that cover the costs of duplication, postage, and certification.

Copies, materials and other costs

Governments can charge reasonable fees based on prevailing costs for comparable copying services provided by local businesses. The Office of Open Records establishes fees for copying records belonging to local and commonwealth governments. Postage fees cannot exceed the actual cost of mailing records.

Electronic records

Governments may charge fees for "enhanced electronic access." Fees may be a flat rate, a subscription fee for a period of time, a per-transaction fee, based on the cumulative time of system access, or any other reasonable method. User fees for enhanced electronic access must be reasonable and pre-approved by the Office of Open Records.

Dispute resolution

If government denies a written request for access to public records, the requester may file an appeal with the Office of Open Records or appeals officer of the judicial, legislative or other body. The Office of Open Records employs attorneys to serve as appeals officers to review appeals and assigns appeals officers to review decisions.

City of Philadelphia Provides All Records Electronically

The City of Philadelphia developed a policy to scan and digitize any requested information that is not already electronic.

UTAH

Utah's Government Records Access and Management Act provides "every person the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours". However, requesters cannot remain anonymous and must provide their name, mailing address and telephone number.

The Act generally covers all executive, legislative and judicial branches government, except in the following circumstances:

- Deliberative process within the Office of the Governor
- Political parties, groups, caucuses, rules or committees of the Legislature

The Act does not explicitly cover all nongovernmental bodies that receive public funds or benefits. However, certain records which private organizations create or maintain regarding contracts with governments may be subject to disclosure.

Utah's public records laws require inventories

Utah's public records laws require that governments inventory their records. Four years ago, Davis County conducted an extensive inventory effort to better manage their records. Records custodians reviewed and identified the following areas for categorizing records:

1. Title of the record
2. Purpose of the record
3. Retention requirements for the record
4. The classification or type of record

While developing this inventory, custodians also removed any sensitive information that would require redaction before disclosure.

Recoverable costs

Utah's public records laws state that fees must be "reasonable" and only sufficient to cover the "actual cost of providing a record."

Copies, materials and other costs

Utah's public records laws allow governments to charge for the "actual cost of providing a record." But they may not charge a fee for inspecting a record.

Personnel costs

Governments may charge an hourly labor rate that does not exceed the salary of the lowest paid employee who has the necessary skill and training to fulfill the request. But they may not charge for the first quarter hour of staff time. Governments may charge for:

- Searching for and retrieving information
- Formatting, compiling and tailoring records
- Any other direct administrative costs incurred in complying with the request

Dispute resolution

If government denies a request for records, the requester may appeal to the Chief Administrative Officer of a government or local board records committee. The requester can also ask for a judicial review. Additionally, the state's Ombudsman can informally mediate disagreements between the government and the requester.

Utah's Statewide Records Portal

In 2015, Utah instituted a statewide online portal to help governments be more efficient at managing requests. The portal has a centralized platform which allows requesters to submit records requests to governments. The portal also identifies the individual responsible for responding to the request.

VERMONT

Vermont's public records law allows any person to request public records and does not discriminate based on purpose or use. The law applies to all branches, departments, agencies and subdivisions of the state. However, the courts adopt their own rules regarding open records practices. The law specifically excludes records or materials prepared for deliberations of any government organization acting in a judicial or quasi-judicial capacity and does not explicitly cover organizations receiving or spending public funds, multi-state, regional bodies, boards or commissions.

Recoverable costs

Copies, materials and other costs

Vermont's public records law establishes the actual cost for the following items:

- Photocopies ($0.05 for a single-sided page, $0.09 per double-sided page, $1.00 per single-sided color photocopies)
- Computer-generated paper copies ($0.02 per page)
- Computer diskette ($0.28 per diskette)
- CD ($0.86 for writeable, $2.31 for re-writeable)
- DVD ($2.00 for writeable, $4.00 for rewriteable)
- Audio tapes ($0.81)
- Video tapes ($1.69)

Personnel costs

Governments may charge for the cost of staff time associated with fulfilling a request for public records if: 1) the time directly involved in complying with the request exceeds 30 minutes, 2) the agency agrees to create a public record, or 3) the agency agrees to provide the record in a nonstandard format and the time directly involved in complying with the request exceeds 30 minutes. The following rates apply:

- Staff time involved in physically duplicating a record ($0.33 per minute after first 30 minutes)
- Senior-level staff and IT specialist time spent extracting data from databases ($0.57 per minute)
- Creating a new public record ($0.57 per minute)
- Other staff time allowed under the law ($0.45 per minute)

Notable changes in law

Recent concerns regarding governments' responses to requests, denied access to records and excessive charges prompted the Legislature to institute the following changes to statute:

- Executive branch bodies must report request turnaround time, information about withholding records, charges, and information that is made public in Vermont's Data Portal
- The Office of the Legislative Council must compile a list of all public records exemptions found in statute

Dispute resolution

Requesters may appeal a government's denial of access to public records to the head of the agency. If they have exhausted other options, the requester may appeal to Superior Court.

FEDERAL

The Federal Freedom of Information Act (FOIA) allows any person to make a request for public records. FOIA applies to the executive branch of government, including: military departments, government and government controlled corporations, and any independent regulatory agency. However, the FOIA does not cover Congress, the judiciary, or all organizations that receive federal funding.

Recoverable costs

The FOIA outlines fees that can be charged in response to: search, review and duplication of public records. FOIA outlines the following categories of requesters and types of fees that can be charged to them:

	Search fees	Duplication fees	Review fees
Commercial requesters	Yes	Yes	Yes
Educational institutions		Yes	
All other requesters	Yes	Yes	

Copies, materials and other costs

There is usually no charge for the first 100 pages of duplication. After the first 100 pages, copying costs are generally between $0.03 and $0.25 a page.

Personnel costs

There is usually no charge for the first two hours of search time. Search fees are based on the salary and benefits of the employee conducting the work and generally range from $11 to $28 an hour.

The FOIA allows agencies to waive or reduce fees if disclosing information is in the public interest. It considers public interest to be "likely contributing to public understanding of the operations or activities of the government and not primarily in the commercial interest of the requester."

Dispute resolution

Each agency has a FOIA Public Liaison who helps resolve disputes between the requester and the agency. As an alternative to litigation, the Office of Government Information Services offers mediation services to resolve disputes. If mediation does not resolve the dispute, the office may issue advisory opinions.

Appendix D: Records Management and Disclosure Tools

This appendix list records management and disclosure tools we identified in our literature review and in discussions with governments in Washington and other states.

Multi-function, integrated tools

GovQA and WebQA offer a range of options to facilitate records management and respond to requests such as automated emails, web-facing customer portals and more.

http://govqa.com/oursolutions/foia-and-open-records-management/

http://webqa.com/index.php/oursolutions/custom-contact-center-software/

Spillman Ally is designed primarily for law enforcement applications. It offers useful features that allow for records management as well as collecting data about usage and performance.

https://www.spillman.com/products/ally/

Managing Records

Effective records management makes it easier for entities to find sought-after information, and to retain documents for the period required. The following tools help users organize, store, search for and dispose of records.

Enterprise Content Management Solutions

Enterprise content management (ECM) solutions can help organizations to effectively and efficiently capture, manage, store, preserve and deliver information. Washington's Department of Enterprise Services recently signed a master contract with several ECM vendors, including OPENTEXT, EMC2, Lexmark and Laserfiche. State and local governments can now use the master contracts to purchase products and services directly from these vendors.

http://www.opentext.com/what-we-do

http://www.emc.com/en-us/products-solutions/index

http://www.lexmark.com/en_us/products/software.html

https://www.laserfiche.com/products/

Search software

Smarsh offers a range of search and archiving capabilities, as well as text message and social media retrieval.

http://www.smarsh.com/archiving-and-compliance/

Exterro helps with project management for e-discovery processes, data mapping, automating legal hold process, and data management.

http://www.exterro.com/resources/foia-public-records-response/

Discovery Accelerator can help search, store and review email and other electronic information.

https://www.veritas.com/support/en_US/article.HOWTO77131

Archiving and storage

Archiving applications can provide more efficient email storage, enhanced electronic search capability for subpoenas, public records requests, e-discovery requests, and back-up and disaster recovery features. These systems can be customized to incorporate records retention schedules and can be applied to various folders and sub-folders as needed. Governments have found the archiving and storage tools below helpful.

Google Vault offers email archiving features.

https://apps.google.com/products/vault/

Enterprise Vault offers email archiving features.

https://www.veritas.com/product/information-governance/enterprise-vault

Airwatch is a mobile management solutions software for filing and archiving text messages on work phones

http://www.air-watch.com/solutions/mobile-device-management/

AV CaptureAll can be used for storing meeting proceedings

http://www.avcaptureall.net/

Responding to Requests

The following tools (such as tracking systems and redaction) facilitate processes for responding to requests.

Tracking systems – logs, trackers, and integrated online systems

RecordTrac is a centralized, user-friendly site with public platform to view and request records.

http://records.oaklandnet.com/

Next Request is a free tool with request tracking capabilities and public interface features.

https://www.nextrequest.com/

Redaction tools

The following tools redact information from documents. However, people are needed to review documents and choose what information the software will redact.

OpenText Redact-It offers automated document redaction features.

http://www.opentext.com/what-we-do/products/enterprise-content-management/content-centric-applications/opentext-redact-it

Adobe Acrobat Pro offers automated document redaction features.

https://helpx.adobe.com/acrobat/using/removing-sensitive-content-pdfs.html

Providing access to information

FTP sites and similar open-data portals allow governments to send or provide records online, eliminating the need to make paper copies or use portable storage devices such as CDs and DVDs.

Online portal, FTP sites

OneDrive is helpful for large requests; it offers a single location where multiple users can place requested files for pick up by the requester.

https://onedrive.live.com/about/en-GB/

DropBox offers online cloud-based options for storing and tracking records.

https://www.dropbox.com/home

Liquidfiles allows read receipts for documents once the requester has downloaded them.

http://www.liquidfiles.net/

Box is a web-based platform that helps store, manage and share records.

https://www.box.com/business/

Trends in Public Records Requests



Performance Audit (/state/Pages/Aboutperformanceaudits.aspx): Work in Progress (/state/Pages/PAWorkInProgress.aspx): **Trends in Public Records Requests**

The Effect of Public Records Requests on Washington's State and Local Governments (/state/Documents/PA_Public_Records_Requests_ar1017396.pdf)*(pdf, 1.1 mb)*
August 2016

Summary: At the request of the Legislature, this performance audit examined the effect of public records requests on state and local governments. We found that a changing public records environment and a Public Records Act (PRA) that has not kept pace with present-day issues pose challenges that, if not addressed, may undermine the original intent of public records laws and hinder other essential government services. Read the two-page summary (/state/Documents/PA_Public_Records_2-pager.pdf)*(pdf, 89 kb).*

The state and local governments that responded to our statewide survey reported spending more than $60 million to fulfill more than 285,000 public records requests in the most recent year alone. Requesters pay only a small portion of the costs (less than 1 percent) involved in fulfilling public records requests. View the survey questions (/state/Documents/PublicRecordsRequest_Survey_2015.pdf)*(pdf, 975 kb).*

Explore the full results of our survey in this Tableau interactive presentation (https://public.tableau.com/views/PRRStudy/TrendsinPublicRecordsRequests?:embed=y&:display_count=yes).

Our research shows that a combination of statewide policy changes and better information management and disclosure practices is needed to keep pace with changing times. We identified policies the Legislature can consider to address public records issues. We also identified practical solutions that can help state and local governments continue to improve their records management and disclosure processes. Watch a six-minute video about our work.



Our interactions with governments during this project showed their commitment to the principles of open, accessible and accountable government. We want to thank all state and local governments that responded to our survey as well as those that participated in our focus groups.

About the project

Providing full access to public records helps maintain public confidence in government at all levels. At the same time, fulfilling records requests can absorb considerable staff time. The Public Records Act of 1973 (http://apps.leg.wa.gov/RCW/default.aspx?cite=42.56)permits charges for making paper copies of records, but it neither addresses modern all-electronic records nor allows governments to charge requestors for the time and costs incurred in preparing records for release.

To account for changes in the nature and volume of public records requests, legislators are considering revising the Public Records Act. This year, they asked the State Auditor's Office to conduct to a study "to establish an accurate cost estimate for providing paper and electronic copies of records."

- Read the text of the proviso that applies to our study here (/state/Documents/PA_PublicRecords_proviso_6052-S.SL.pdf)*(pdf, 33kb),* highlighted in yellow.
- Click the video below to watch a presentation about our planned work that we recorded after a November 20, 2015, hearing on the study at the Local Government House Committee.



Washington State Auditor's Office

Performance Audit

Government that works for citizens

The Effect of Public Records Requests on State and Local Governments

Washington's Public Records Act (PRA) helps foster transparency and accountability by giving people broad access to government records. Our interactions with state and local governments during this project revealed their commitment to the principles of open, accessible and accountable government. However, a changing public records environment and a PRA that has not kept pace with present-day issues pose challenges to large and small governments alike. Such challenges, if not addressed, may undermine the original intent of public records laws and the provision of other essential government services.

Legislators face complex policy decisions as they consider balancing access to government records without compromising the efficiency of government operations. To inform policy deliberations, the Legislature asked the State Auditor's Office to conduct a study on the cost of responding to public records requests.

Fulfilling public records requests cost Washington's state and local governments more than $60 million in the most recent year

Providing broad access to government records does not come without costs. Today's public makes more and increasingly complex requests for records, which absorb a significant amount of government resources. A subset or sample of the governments responding to our statewide survey reported spending more than $60 million to fulfill more than 285,000 public records requests in the most recent year alone. Their greatest expense – more than 90 percent of costs – is the staff time needed to locate, review, redact and prepare public records for release.

Washington's governments can only recover a small fraction of their costs

Existing public records laws do not permit governments to charge requesters for staff time, which we found was their greatest expense.

In the most recent year, survey respondents said they recovered less than 1 percent (or $350,000) of the $60 million in costs they incurred fulfilling requests for public records. Because requesters pay only a small portion of the costs involved in fulfilling their requests, governments – and ultimately all taxpayers – bear the costs of public record requests.

The number of public records requests Washington's governments receive and the cost to fulfill them vary widely

Most recent year results by government type as grouped for analysis

Government type	Total cost incurred	Total requests received
State agency, commission or board	$22,058,165	74,354
City/Town	$16,772,830	114,973
County	$11,213,530	64,319
Other special district	$4,232,504	9,246
School district/ESD	$2,871,610	2,541
Other	$2,089,128	16,814
Post-secondary education institution	$1,752,489	2,935

Source: Auditor analysis of survey results.

Note: "Most recent year" may be calendar or fiscal year, and not necessarily the same year for all governments surveyed.

Governments' management and disclosure of public records is complicated by the exponential growth of information and changing, complex public records laws

Advances in technology have transformed the way governments conduct their business and increased the amount of digital information they must manage. Maintaining records today requires investments in information technology to organize, store, secure, search and inventory records, and trained employees to manage them. However, many governments told us they do not have sufficient resources to conduct these activities, which could aid the records management and disclosure process.

Changing and complex public records laws have cost implications and add to the workload governments face when responding to requests. Understanding and applying exemption laws can be hard for employees without a legal background. Moreover, exemption laws change frequently, making it difficult for them to keep up-to-date with requirements. Governments said they rely on the help of expensive, yet necessary, legal counsel to ensure they do not release exempt or protected information, or redact information that should be disclosed. However, this preventive effort – in addition to its high cost – risks delaying responses to requesters.

Litigation affects government's costs and ultimately transparency

Public records litigation can have a severe impact on the financial position of some governments, especially those with small operating budgets. Seventeen percent of the governments responding to our survey – large and small – reported they were involved in public records litigation in the past five years, and spent more than $10 million in the most recent year alone.

The effect of public records litigation extends beyond monetary costs. Legal review to prevent litigation may delay responses to requesters. Moreover, some governments said they avoid using emerging technologies and approaches to managing information, despite the potential for cost savings and efficiencies. They fear their use could complicate the disclosure process and expose them to litigation.

Statewide policy and practical solutions could benefit the changing public records environment and the records management and disclosure process

Providing access to government records in a manner that does not limit the public's access to information or unduly affect government operations is challenging. Our research shows that a combination of statewide policy changes and better information management and disclosure practices are needed to keep pace with changing times. We identified policies other states have implemented and which the Legislature can consider to address public records issues in Washington. We also identified practical solutions that can help state and local governments in their continuous efforts to improve their records management and disclosure processes.

Statewide policies to address the changing public records environment:

- Differentiate requesters and requests by their purpose
- Recover costs associated with disclosing records: material and personnel time
- Develop a statewide alternative dispute resolution program
- Address complexities in public records laws

Leading practices to aid public records management and disclosure:

- Communicate with requesters thoughtfully and as needed
- Manage request fulfillment to maximize benefits to requesters and minimize disruptions to critical services
- Disclose information before it is asked for
- Develop a coordinated, agency-wide strategy and institutional culture around records management
- Collect and retain only necessary records
- Organize records for easy search and retrieval
- Adopt strategies and organization-wide policies to accommodate complexity of public records laws
- Reduce the potential for litigation and mitigate its impact

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Ordinance No. 2018-39 Adopting the Budget of the City for Fiscal Years ending December 31, 2019, and December 31, 2020 - Finance,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:

I move to approve Ordinance No. 2018-39, adopting the budget of the City for fiscal years ending December 31, 2019, and December 31, 2020.

SUMMARY:

Staff presented the Proposed Budget on September 25, 2018. Since that time, the Council has discussed the budget at meetings in October and November. The Council conducted a public hearing on November 13 and received public testimony.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Ordinance_No._2018-39_Adopting_Two-Year_Biennial_Budget_for_FY_2019-20.docx

2019 Exhibit A - as Adopted v1.pdf

2020 Exhibit B - as Adopted v1.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018–39

AN ORDINANCE of the City of Bainbridge Island, Washington, adopting the final budget of the City for fiscal years ending December 31, 2019, and December 31, 2020.

WHEREAS, on September 4, 2018, in accordance with state law, the budget was submitted to the City Manager with estimates of revenues and requests from all departments for expenditures for the fiscal years ending December 31, 2019, and December 31, 2020; and

WHEREAS, the City Manager reviewed the estimates and made such changes and/or additions as deemed appropriate, and on September 21, 2018, filed the revised preliminary budget with the City Clerk; and

WHEREAS, the preliminary budget was presented to the City Council at a Council meeting on September 25, 2018, and was discussed and considered subsequently by the Council at several Council meetings in October and November 2018; and

WHEREAS, a public hearing was held concerning the budget on November 13, 2018, for the purpose of providing information to, and hearing from, the public regarding the estimates and programs contained in the preliminary budget, and at which hearing all taxpayers were heard who appeared for or against any part of said budget; and

WHEREAS, the City Council, after hearing and duly considering all relevant information and testimony presented, and after making changes to the proposed budget as deemed necessary and proper, is prepared via this ordinance to adopt the final budget for fiscal years ending December 31, 2019, and December 31, 2020.

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

Section 1. The final budget for fiscal years ending December 31, 2019, and December 31, 2020, is hereby adopted in full. The entire budget document is to be placed on file with the office of the City Clerk for public inspection.

Section 2. Attached hereto and identified as Exhibit A (2019) and Exhibit B (2020), in summary form, are the totals of budgeted expenditures for each separate fund and the aggregate totals for all such funds combined.

Section 3. Because the amounts of revenues and expenditures to be recorded in the Building & Development Services Fund are not clearly fixed, and because the Building & Development Services Fund receives operating transfers from the General Fund, this budget authorizes additional amounts to be spent from the Building & Development Services Fund and to be covered by additional operating transfers from the General Fund, provided that the total expenditures for these two funds shall be no more than the amount authorized by this ordinance.

Section 4. A complete copy of the final budget for fiscal years ending December 31, 2019, and December 31, 2020, as adopted, together with a copy of this ordinance shall be transmitted by the City Clerk to the Division of Municipal Corporations of the Office of the State Auditor and to the Association of Washington Cities.

Section 5. This ordinance shall take effect on January 1, 2019.

PASSED by the City Council this __ day of November, 2018.

APPROVED by the Mayor this __ day of November, 2018.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	October __, 2018
PASSED BY THE CITY COUNCIL:	November __, 2018
PUBLISHED:	December __, 2018
EFFECTIVE DATE:	January 1, 2019
ORDINANCE NO.:	2018-39

CITY OF BAINBRIDGE ISLAND - 2019 ADOPTED BUDGET
SUMMARY BY FUND

Exhibit A
ORDINANCE NO. 2018-39

CITY FUNDS		2019 EXPENDITURES
001	GENERAL FUND	18,971,497
101	STREET FUND	3,773,562
103	REAL ESTATE EXCISE TAX FUND	3,082,372
104	CIVIC IMPROVEMENT FUND	262,000
108	AFFORDABLE HOUSING FUND	114,500
171	TRANSPORTATION BENEFIT FUND	402,000
173	TRANSPORTATION IMPACT FEE FUND	100,000
201	GO BOND FUND	1,845,709
203	LID BOND FUND	45,883
301	CAPITAL CONSTRUCTION FUND	8,478,000
401	WATER OPERATING FUND	2,974,120
402	SEWER OPERATING FUND	5,450,131
403	STORM & SURFACE WATER FUND	3,391,547
407	BUILDING & DEVELOPMENT FUND	3,307,583
501	EQUIPMENT RENTAL & REVOLVING	68,498
	TOTAL EXPENDITURES	**52,267,402**

CITY OF BAINBRIDGE ISLAND - 2020 ADOPTED BUDGET
SUMMARY BY FUND

Exhibit B
ORDINANCE NO. 2018-39

CITY FUNDS		2020 EXPENDITURES
001	GENERAL FUND	18,261,779
101	STREET FUND	3,804,319
103	REAL ESTATE EXCISE TAX FUND	3,117,748
104	CIVIC IMPROVEMENT FUND	260,000
108	AFFORDABLE HOUSING FUND	114,500
171	TRANSPORTATION BENEFIT FUND	402,000
173	TRANSPORTATION IMPACT FEE FUND	117,000
201	GO BOND FUND	1,795,779
203	LID BOND FUND	44,179
301	CAPITAL CONSTRUCTION FUND	6,060,000
401	WATER OPERATING FUND	2,819,553
402	SEWER OPERATING FUND	4,569,126
403	STORM & SURFACE WATER FUND	2,843,929
407	BUILDING & DEVELOPMENT FUND	3,369,762
501	EQUIPMENT RENTAL & REVOLVING	83,148
TOTAL EXPENDITURES		**47,662,822**

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: November 27, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (10:00 PM) Committee Reports,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
Information only.

SUMMARY:
Recent committee reports are provided for information only.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Environmental Technical Advisory Committee Meeting Minutes, November 1, 2018.pdf

Multi-Modal Transportation Advisory Committee Meeting Minutes, September 24, 2018.pdf

Utility Advisory Committee Meeting Minutes, October 24, 2018.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

ENVIRONMENTAL TECHNICAL ADVISORY COMMITTEE
SPECIAL MEETING
THURSDAY, NOVEMBER 1, 2018
280 MADISON AVENUE NORTH
BAINBRIDGE ISLAND, WA 98110

MINUTES

Call to Order at 3:04 PM

Member Attendees:	Melanie Keenan	Casey Schmidt
	Charlie Kratzer	Juan Rovalo
	Karl Shearer	Steve Saepoff (by phone)
	Jason Flowers (by phone)	Dylan Frazer (by phone, for only part of the meeting due to conference phone limitations)
Council Liaison:	Rasham Nassar	
COBI Staff:	Annie Hillier, City Planner	
Guests:	Councilmember Ron Peltier	

- The minutes from the 10/18/18 meeting were approved.

- During the Council Liaison report, Rasham provided information on the Council's tentative approval for developing a GWMP at their meeting on 10/30, with a tentative biennial budget for 2019-2020 of $238K.

- Annie Hillier provided details on the Marks and Maione HMP. Casey Schmidt was appointed as the Chair of an ETAC HMP sub-committee (Casey, Karl, Juan, and Steve). The sub-committee is to provide comments to the entire ETAC at the 11/15 meeting, which can be transmitted to Annie following the meeting.

- ETAC members requested that, in the future, COBI staff provide feedback on ETAC comments and on the status of HMPs after ETAC reviews. The ETAC Chair agreed to contact Gary Christensen, COBI Director of Planning about the HMP review process for ETAC.

- The ETAC Chair presented the latest version of the GWMP Discussion Paper, with recent changes (in blue) as discussed at the 10/18 meeting. Also, the tentative budget ($238K for 2019-20) as presented to the Council and to ETAC via email, was introduced. Another ETAC sub-committee was created to discuss the budget in more detail prior to the regular ETAC meeting on 11/15. This sub-committee includes Charlie, Melanie, Casey, and Juan.

- ETAC voted unanimously (except Dylan was unable to re-connect by phone to the discussion) in favor of authorizing the Chair to forward the GWMP Discussion Paper with a transmittal memo (distributed prior to the meeting by email) to the Council as soon as possible.

Meeting adjourned at 5:00 PM

11/15/18

Charlie Kratzer, Chair 11/15/18

CITY OF
BAINBRIDGE ISLAND

MULTI-MODAL TRANSPORTATION ADVISORY COMMITTEE SPECIAL MEETING MONDAY, SEPTEMBER 24, 2018 CITY HALL 280 MADISON AVENUE NORTH BAINBRIDGE ISLAND, WA 98110

Minutes

Attendees: Committee members Demi Allen, Don Willott, David Freeburg, Robert Shulock, Shannon Glass, Erin Thomasson, Chris Hammer (City Staff), and Councilmember Joe Deets (Liaison).

The Committee opened by approving the minutes of the July and August 2018 meeting, with several corrections from the members.

Engineer Report:

- Chris Hammer provide updates on the status of projects at Fletcher Bay Road NE and Miller RD NE, which is scheduled for completion by November.
- The City continues preparing for the Olympic Drive Project, which will require temporary access easements from property owners affected by the project.
- The City continues working on the New Brooklyn Project.
- The City has reallocated funds toward the Madison Avenue Sidewalk Improvements.
- The City continues acquiring property along Wyatt Way from Madison to Lovell in preparation for the upcoming complete streets project.
- Chris Hammer also presented a concept to repurpose right-of-way for multimodal use by devoting one lane of particular downtown streets toward non-motorized transportation use. The Committee discussed potential benefits and obstacles to implementing such a plan, which the Committee thought was worth additional discussion and development.

Agenda Items:

- The Committee discussed a development review request proposed by the Bainbridge Island Child Care Center, without making any formal recommendations on the proposal.
- The Committee discussed another development proposed along NE Hildebrand Lane. The Committee decided to continue a detailed discussion of this proposal at the next meeting.
- The Committee discussed the SAFE Mobility Levy, which will be on the November ballot.

Lief Horwitz, Chair 11/14/18

CITY OF
BAINBRIDGE ISLAND

UTILITY ADVISORY COMMITTEE
REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2018
CITY HALL
BAINBRIDGE ISLAND, WA 98110

Minutes

Committee members present: Andy Maron, Jeff Kanter, Co-chairs; Nancy Nolan, Emily Sato, Charles Averill

Absent: Steve Johnson, Ted Jones

CC Liaison: Rasham Nassar (absent)

Also present: Barry Loveless, COBI Director of Public Works

The meeting was called to order at 5:06 PM by Jeff Kanter, Co-chair.

Minutes: The meeting minutes of October 3, 2018 and October 10, 2018 were unanimously approved as corrected.

Public Comment: There was no public comment.

Tour of City Utilities: Andy and Jeff reported on the City Council's tour of the city utilities. All council members except Matt Tirman and Sarah Blossom attended. Of the UAC, Andy, Jeff ~~and Charles~~ were present.

Proposed Code Change to Allow Green Buildings in Water/Sewer Service Areas: Barry presented a proposal that had been brought into the Public Works department from the Living Building Challenge group (www.living-future.org) who would like an exception to the ordinance requiring connecting to sewer for their project on Winslow Way West, a proposed "green" hotel. Instead, they would like to build an environmentally friendly on-site septic system and a gray-water system that would provide water treatment to a level equivalent to that of a WWTP. Competing goals were discussed (promoting innovation vs. ensuring adequate capacity and capitalization of the existing sewer district). The discussion concluded with the UAC suggesting that we might recommend a limited exception that would require treatment to a higher standard and a partial connection fee (to pay for the reserve capacity). The UAC did not think that requirement to hook up to the municipal water system should be waived, however.

System Participation Fees Rate Study: Barry led a review of the draft System Participation Fees Rate Study by FCS Group. The committee reviewed the content of the draft report and made several suggestions to make the report easier to understand. Barry will communicate the suggested changes to Chris.

SPF Memorandum: The committee reviewed the memorandum and made further revisions to reflect the recent CIP approval.

Comments for the Good of the Order: Andy led a discussion of the upcoming meeting schedule and the schedule for the rate study presentations to City Council. ~~Andy~~ then showed the committee resources available on the COBI website.

Adjournment: The meeting was adjourned at 6:38 pm.

The next UAC meeting will be November 14, 2018.

Andrew W. Maron

Andrew Maron and Jeff Kanter, Co-chairs

MEMORANDUM

TO: City of Bainbridge Island City Council

FROM: Utility Advisory Committee

DATE: November 14, 2018

SUBJECT: Recommendation on City's Water and Sewer Utilities' System Participation Fees and Preliminary Report on Water and Sewer Rate Study

The City is in the midst of a study of the rates and fees charged by its water and sewer utilities. The Utility Advisory Committee ("UAC") is recommending approval of the first findings of the rate study, the utilities' "System Participation Fees" (or "SPFs). The UAC has received and reviewed the report from the consultant, dated November 2018, and is recommending adoption of the fees contained therein.

The UAC is also providing this preliminary report on the status of the remaining portions of the rate study.

I. Background of Rate Study

Studies of the rates, charges, and fees of utility systems are usually conducted at periodic intervals to ensure they provide adequate revenue for the utilities, and to insure the rates, charges, and fees are in conformance with state law. Such studies are frequently conducted following a utility's completion of periodic comprehensive system plans.

COBI completed updates to its Sewer System Plan in 2015 and its Water System Plan in 2016-7. In both utilities, it had been many years since previous System Plans had been adopted.

It had also been many years since the City's utility rates, charges, and fees had been evaluated and reconsidered. The City had performed a study to update rates in 2009, but never implemented them. (This was apparently due to the financial challenges experienced by the City during the recession.) As such, the current rate and fee structure has been in existence for a very long time without review. Therefore, in August 2017, the UAC recommended that a rate study be conducted (see the enclosed memorandum), and the City Council agreed and authorized the current study.

The rate study actually includes an evaluation of six different City rates and fees. They are:

- Winslow water system rates
- Rockaway Beach water system rates
- Winslow sewer system rates
- South Island sewer system rates
- SPFs for both water systems
- SPFs for both sewer systems

In March 2018, the City hired a consultant, Financial Consulting Solutions Group, to evaluate the utilities' rates and make recommendations to City management, the UAC, and ultimately the City Council.

The consultant developed preliminary recommendations which were first presented to the UAC on July 11, 2018. Since that time, the consultant has met with the UAC on August 11 and 22, September 12 and 26, October 3, 10, and 24, and November 14, 2018.

II. Status of Water and Sewer Rate Study

A. Water Rates. The consultant, staff, and UAC has analyzed and discussed the water rates in detail. There are a number of policy questions to be considered, such as system reinvestment percentages, consolidation of differential rates for Winslow and Rockaway Beach, and phasing any rate adjustments among classes. Additionally, the projects to be included in the recently-adopted 6-year Capital Improvement Plans will have major impact on the rates. Therefore, neither the consultant or the UAC is ready to make final recommendations on water rates.

B. Sewer Rates. The consultant first submitted its analysis of the sewer rates to the UAC on October 3. There are similar policy questions for the sewer systems as there are for the water systems, and the consultant and UAC are continuing their analysis. Thus sewer rates are not yet ready for council consideration.

III. Recommendation on System Participation Fees

However, the UAC is prepared to recommend approval of revised "system participation fees" (SPFs) as developed by the consultant.

An SPF is a one-time fee paid by a property owner connecting to a utility system. Essentially, a property owner "buys in" to the utility system by paying a fair share of the utility infrastructure.

SPFs vary by the size of a property owner's water meter. Currently, the SPF for a typical single-family home for water is $2,754 and sewer is $5123. The consultant's analysis of the SPFs for both the City's water and sewer systems is that the SPFs for single-family accounts are

significantly below where they should be, while the SPFs for multi-family, commercial, and irrigation accounts should be reduced. For comparison purposes, the consultant's calculation is that the typical single family SPF should be raised to $5733 for water and $8208 for sewer.

The UAC has reviewed the consultant's analysis, and agrees with its recommendations. The methodology appears to be consistent with industry practices, legal requirements, and the City's financial information regarding its capital infrastructure. The revised SPFs should be implemented as soon as possible.

IV. Conclusion

The consultant and UAC have not yet completed the analysis of the water and sewer rates. Both will continue to work on these subjects over the next few months, and likely will have recommendations ready early in 2019.

However, the consultant and UAC have concluded analyzing the SPFs, and recommend the council take up the proposed revisions now. The rates charged to existing water and sewer customers and the fees charged to newly-connecting property owners are different concepts and affect different city constituencies. They can, and rightly should, be considered independently of each other.

Accordingly, the UAC recommends that the consultant's proposed revisions to the water and sewer SPFs as contained in the November 2018 report be considered by the council soon, and adopted.

APPROVED BY UAC ON NOVEMBER 14, 2018

Andrew Maron and Jeff Kanter, Co-Chairs
Charles Averill, Steven Johnson, Ted Jones, Nancy Nolan, Emily Sato