CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, DECEMBER 11, 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)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, 20 Minutes

2.B 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,
10 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 - 6:45 PM**

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

7. **PUBLIC HEARING(S)**

7.A (6:55 PM) Ordinance No. 2018-45, Extending the Duration of and Amending the Interim Official Control Related to the Preservation of Landmark Trees - Planning, 20 Minutes
20181211 CC Staff Memo
Attachment 1 - 20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan and staff changes

20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan
Exhibit A - LTO Work Program (120718)
Chapter 16.32 BIMC, Preservation of Landmark Trees

7.B (7:15 PM) Ordinance No. 2018-20 Relating to Revisions to BIMC Title 2 related to Land Use Review and Approval Bodies and Procedures - Planning, 15 Minutes
Ordinance No. 2018-20 - 12-11-18 Public Hearing Draft.docx
Flow Chart for Council Meeting.pdf
Ordinance 2018-20 Exhibit A -- General Procedures.docx
Ordinance 2018-20 Exhibit B -- Site plans and design review.rtf
Ordinance 2018-20 Exhibit C -- Short Subdivisions.rtf
Ordinance 2018-20 Exhibit D -- Large Lot Subdivisions.rtf
Ordinance 2018-20 Exhibit E -- Conditional Use Permits.rtf
Ordinance 2018-20 Exhibit F -- Long Subdivisions.rtf

8. UNFINISHED BUSINESS

8.A (7:30 PM) Ordinance No. 2018-47, Updating System Participation Fees for Water and Sewer Utilities - Public Works, 10 Minutes
Ordinance No. 2018-47 - Updating Sewer and Water Participation Fees
UAC SPF Recommendation
BI SPF Update

8.B (7:40 PM) Amendments to the Shoreline Master Program (SMP) Relating to Integration of Critical Areas Regulations and Nonconforming Structures, Uses, and Lots - Planning, 60 Minutes
20181211 CC Staff Memo SMP Amendment
20181211 Nonconforming Policy Checklist.pdf
20181211 Draft SMP Amendment -- Critical Areas and Nonconforming -- Public Hearing Draft -- All track changes -- ARPA deleted.docx
20181211 Public Comment Summary by Date.docx

8.C (8:40 PM) Discussion of Funding Request from Tyler Moniz Project - Mayor Medina, 30 Minutes
TheTylerMoniz.CoffeeOasis.CrisisTextLine

8.D (9:10 PM) Use of Transportation Benefit Fund Fee Increase - Finance, 10 Minutes
Resolution 2018-38 Financial Policies for CC 12112018

9. NEW BUSINESS

9.A (9:20 PM) Resolution 2018-36 Amending the City's Fee Schedule to Add a New Fee for Applications for "Legislative Review of Development Regulations" and to otherwise clarify the Fee Schedule related to rezones - Planning, 5 Minutes
Resolution No. 2018-36 Amending Fee Schedule-Legislative Review of Development Regulations

9.B (9:25 PM) Appointment of Deputy Mayor for January 2019 through June 30, 2019 - Mayor Medina, 5 Minutes

9.C (9:30 PM) Appointments to the Climate Change Advisory Committee, Ethics Board, and Marine Access Committee - Mayor Medina 5 Minutes
Climate Change Advisory Committee - Cox (Redacted)
Ethics Board - DeRosalia Redacted)
Ethics Board - Eckmann (Redacted)
Ethics Board - Fong (Redacted)
Ethics Board - Neal (Redacted)
Marine Access Committee - Goussev (Redacted)
Marine Access Committee - Herring (Redacted)
Marine Access Committee - Hershberg (Redacted)
Marine Access Committee - Kerby (Redacted)
Marine Access Committee - Seubert (Redacted)

9.D (9:35 PM) Ordinance No. 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees - Mayor Medina, 15 Minutes
Ordinance No 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees

9.E (9:50 PM) First Amendment to the Agreement with Kitsap County for the Incarceration of City Prisoners - Police, 5 Minutes
First Amendment to the Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners
Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners (Expires 12/31/18)

10. CONSENT AGENDA

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

10.B Accounts Payable and Payroll
Report to Council of Cash Disbursements 12-12-18.pdf
Payroll.pdf

10.C Special City Council Meeting Minutes, November 17, 2018
CCMIN 111718 COUNCIL RETREAT

10.D City Council Study Session Meeting Minutes, November 20, 2018
CCMIN 112018 STUDY SESSION

10.E Regular City Council Business Meeting Minutes, November 27, 2018
CCMIN 112718 BUSINESS

10.F Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations - Executive, 5 Minutes
HSFAC Recommendation for 2019-20

10.G Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive, 5 Minutes
2019 LTAC Funding Recommendations

10.H Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, Related to Water Rights - Public Works, 5 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

10.I 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

10.J Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive, 5 Minutes
Amendment No 1 to the Contract for Indigent Defense Services
Contract for Indigent Defense Services
Resolution No. 2014-14, Adopting Public Defense Standards

11. COMMITTEE REPORTS

11.A (10:00 PM) Committee Reports, 5 Minutes
Ethics Board Minutes - October 15, 2018

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

13. 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: December 11, 2018 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
No action.

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: December 11, 2018 **ESTIMATED TIME:** 10 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: December 11, 2018 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (6:55 PM) Ordinance No. 2018-45, Extending the Duration of and Amending 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:

Option 1: Take no action, and in so doing, allow the interim landmark tree regulation to expire as of December 26, 2018.

Option 2: I move to approve the version of Ordinance No. 2018-45 which is based on the public hearing draft.

Option 3: I move to approve the version of Ordinance No. 2018-45 as shown in Attachment 1 to this agenda item, which is based on the public hearing draft and also includes revisions based on staff recommendations from public comment, as well as other revisions as adopted by the Council related to tonight's public hearing.

SUMMARY:

The City Council will conduct a public hearing on Ordinance No. 2018-45, which relates to extending the duration of and amending the interim official control regarding the preservation of landmark trees, including related to providing for the establishment of a fee regarding applications for removal of landmark trees.

On June 26, 2018, the 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.

Through this agenda item, the Council has options following the public hearing, including allowing the landmark tree regulation to expire as currently scheduled on December 26, or extending the regulation as set forth in the attached ordinance versions that are included for the Council's consideration.

For additional detail, please see the attached memo.

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

BACKGROUND:

See attached memo.

ATTACHMENTS:

20181211 CC Staff Memo

Attachment 1 - 20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan and staff changes

20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan

Exhibit A - LTO Work Program (120718)

Chapter 16.32 BIMC, Preservation of Landmark Trees

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date:	December 11, 2018
To:	City Council
From:	Jennifer Sutton, AICP Senior Planner
Subject:	Public Hearing and Consideration of Ordinance 2018-45 Extending the Interim Landmark Tree Regulations and Consideration of Amendments to the Interim Landmark Tree Regulations

I. 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 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 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.

Ordinance No. 2018-45 was considered at the November 27, 2018, Council meeting, at which time the Council set the public hearing on the ordinance for December 11, 2018. If adopted, Ordinance No. 2018-45 would extend the interim official control for an additional six-month period, until June 26, 2019. Ordinance No. 2018-45 also provides for an application fee for applications for removal of Landmark Trees.

The version of Ordinance No. 2018-45 that is included with this agenda item is based on the public hearing draft of the ordinance, with the additional inclusion of clarifying text that makes clear that in adopting the ordinance, the Council will also be adopting the work plan that is included as Exhibit A to the ordinance.

As described below, another version of the ordinance is also included for the Council's consideration that includes what is incorporated into the public hearing draft as clarified above (i.e., with the work

plan), as well as additional revisions as recommended by City staff based on public comment and staff experience to date in implementing these regulations.

II. November City Outreach Efforts for Updated Tree Regulations

The City Council enacted a separate, but related ordinance, Ordinance 2018-19, on October 23, 2018, and it became effective on December 3, 2018. This ordinance replaced Chapter 16.18 BIMC, *Land Clearing,* and amended BIMC 18.15.010, *Landscaping … ,* adding tree retention requirements to single-family properties in the R-2.9, R-3.5, and R-4.3 zones and revising tree removal thresholds for Tree Removal/Vegetation Maintenance Permits (formerly *Clearing Permit).* Since Ordinance 2018-19 affected how trees are managed on properties Island-wide, the City opted to do additional outreach about the new regulations both to educate the public about the different tree regulations that may apply to their property and to help make sure that people did not accidently and inadvertently violate the new provisions in the code.

As part of the City's public outreach efforts, a postcard was mailed to all Island residents and property owners the second week of November. The postcard directed people to the City website for specific information and provided notice that on Monday, November 19, a public meeting would be held to discuss tree protection regulations.

The November 19 meeting was well attended - the Council Chamber was standing room only, and City staff answered questions from the public for approximately two hours about how the different City regulations regarding trees and vegetation may apply to their property – including related to tree removal permits, shoreline and critical area regulations, and the new landmark tree regulations.

Senior Planners Christy Carr and Jennifer Sutton and Communications Coordinator Kristen Drew rode the Bainbridge-Seattle ferry for four runs during the afternoon commute time on Tuesday, November 27. A table was set up in the galley with zoning maps and handouts about the variety of tree regulations at issue. Washington State Ferries staff made an announcement that City staff were on the boat to answer questions about tree regulations, and commuters and riders to and from Seattle and Bainbridge demonstrated their interest in how the subject regulations apply to their property by interacting the City staff members on board those ferries. City staff spoke with around seventy (70) people over the four Bainbridge-Seattle ferry runs.

City staff on those ferries heard mostly public anger and frustration about how trees are regulated on their properties. Most everyone who interacted with staff that day indicated that they understood the reasons behind protecting trees in critical areas and along the shorelines, but many of them indicated that they saw the landmark tree and new tree retention regulations as an overreach. Common themes heard included (paraphrased):

- I like trees, and have planted many trees on my property over the years. However, sometimes you need to take down a tree because, for example, it's too close to the house, dead, or blocking the sun, and I want to be able to remove the tree without having to ask permission from the City or to hire an arborist at a considerable cost and time to prove why I need to remove the tree.
- I pay enough property tax that I should be able to remove a tree if I want to.
- Why is it a landmark tree if it's dead? Why do I need to ask permission to take down a dead tree?
- I am concerned about trees damaging my home, Island roads, and power lines during a wind storm.

- I think that these tree protections put homeowners at an increased risk for wildfire.

III. Staff Recommended Revisions to Ordinance 2018-45: Landmark Tree Regulations

Given the public feedback during these outreach opportunities in November, Planning Department staff suggest adding three exemptions to the Landmark Tree Regulations by creating a new BIMC Section 16.32.015. The Landmark Tree regulation exemptions are highlighted in Attachment 1 to this memo. Attachment 1 is a version of the public hearing draft of Ordinance 2018-45 which includes those exemptions. The exemptions are for:

1. Dead Trees;
2. For routine maintenance activities, including tree removal, pruning, and thinning required to control vegetation on road, access, or utility rights-of-way or easements; or
3. For Class II and Class III forest practices regulated by the Washington State Department of Natural Resources under Chapter 76.09 RCW.

The first two exceptions proposed are what City staff regards as common sense and clarifying revisions that would reduce the number of landmark tree removal permits that need to be submitted and reviewed, saving a property owner time and money and reducing City staff workload. Allowing exceptions to remove dead trees or trees located within an area for maintaining access or utility rights-of-way or easements are exceptions that are consistent with other criteria in Chapter 16.32 BIMC related to removal of landmark trees (see BIMC 16.32.030.D.), so such permits would be approved under the current regulations. From City staff's perspective, it would be more practical if removal of trees for these reasons did not require a permit. Ninety percent (90%) of the *Removal of a Landmark Tree Permits* submitted to date have been to respond to a dead, diseased, or dying tree that is hazardous.

The third exception proposed is for commercial forest management activities which are regulated by the Washington State Department of Natural Resources through Class II and Class III forest practice permits. Commercial forest management activities are generally not subject to local regulation, so adding this exception clarifies an exception to the Landmark Tree regulations that already exists.

City staff recommends these exceptions to respond to public comments gathered throughout November, and to clarify certain aspects of the regulations based on staff experience with processing permits under Chapter 16.32 BIMC to date.

Attachment: Attachment 1, revised version of Ordinance No. 2018-45 (with revisions to the public hearing draft shown in yellow highlights and staff recommended changes shown in yellow highlights and underline)

ATTACHMENT 1

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 and add exceptions to the chapter; leaving the effective date of the interim official control unchanged; adopting a work plan; 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, since the landmark tree regulations have been in effect, the City has received comments from many property owners and Puget Sound Energy about difficulty in meeting the landmark tree regulations and therefore, the City proposes to amend the regulations to add exceptions for the type of landmark tree removal that would be approved through permit review; and

WHEREAS, on December 11, 2018, the City Council held a public hearing on Ordinance No. 2018-45, and considered and adopted the work plan that was provided as Exhibit A to this ordinance; 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 ordinance 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. A new Section 16.32.015 of the Bainbridge Island Municipal Code is added to read as follows:

16.32.015 Exemptions. In the following circumstances, a "Removal of Landmark Tree" permit shall not be required pursuant to this section:

A. The tree(s) at issue is/are dead;

B. For routine maintenance activities, including tree removal, pruning, and thinning required to control vegetation on road, access, or utility rights-of-way or easements; or

C. For Class II and Class III forest practices regulated by the Washington State Department of Natural Resources under Chapter 76.09 RCW.

Section 3. 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, along with a fee to be established by resolution of the City Council, to the Department of Planning and Community Development.

Section 4. Interim Official Control Amended. Section 16.32.030.D. of the Bainbridge Island Municipal Code is amended to read as follows:

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, access, or~~ 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.

Section 5. Duration of Interim Official Control Extended. The interim official control is hereby amended, as also stated in Section 9 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 6. 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 7. Interim Official Control Work Plan and Hearing. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew an interim official control for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City is hereby extending the interim official control as described herein based on the work plan that has been developed and is attached and incorporated herein as Exhibit A to this ordinance, the public hearing that is being held related to this ordinance, and the findings of fact that have been made in this ordinance and the previous ordinances related to this interim official control.

Section 8. 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 9. 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 for an additional six-month period, until June 26, 2019, 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

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; adopting a work plan; 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 considered and adopted the work plan that was provided as Exhibit A to this ordinance; 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 ordinance 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, along with a fee to be established by resolution of the City Council, 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 7 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. Interim Official Control Work Plan and Hearing. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew an interim official control for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City is hereby extending the interim official control as described herein based on the work plan that has been developed and is attached and incorporated herein as Exhibit A to this ordinance, the public hearing that is being held related to this ordinance, and the findings of fact that have been made in this ordinance and the previous ordinances related to this interim official control.

Section 6. 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 7. 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 for an additional six-month period, until June 26, 2019, 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

EXHIBIT A

PROTECTION OF LANDMARK TREES

WORK PROGRAM FOR INTERIM REGULATIONS (December 7, 2018)

ORDINANCE 2018-25 PROTECTION ON LANDMARK TREES:
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).

The City has initiated the *Work Program* described below to address the issues related to preservation of larger trees raised by the adoption of the interim regulations set forth in Ordinance Nos. 2018-25, 2018-32, and 2018-42.

Fall 2018
On October 16, 2018, the City Council authorized the City Manager to contract with a team of arborists led by Katy Bigelow and John Bornsworth 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.

January 2019
The City Council will review the final report and recommendations from the consultant arborists. The Council will then provide policy direction to staff about which recommendations to consider. Actions could be code changes that would be processed as an ordinance, first reviewed by the Planning Commission, or recommendations not related to the code such as improved outreach and education materials.

February 2019
After the City Council provides policy direction to City staff, the Planning Commission would review any drafted code changes (via a draft ordinance). After holding a public hearing, the Planning Commission will make recommendations to the City Council on a tree preservation, protection, and retention ordinance.

March-April 2019
The City Council will then review and take action on the proposed ordinance.

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: December 11, 2018 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (7:15 PM) Ordinance No. 2018-20 Relating to Revisions to BIMC Title 2 related to Land Use Review and Approval Bodies and Procedures - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:

Hold public hearing, deliberate, and take action.

SUMMARY:

Hold public hearing, deliberate, and take action on Ordinance No. 2018-20, regarding Revisions to BIMC Title 2 related to Design Review Board, Planning Commission, Planning and Community Development Director, and City Council roles and responsibilities and land use review procedures.

FISCAL IMPACT:

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

BACKGROUND:

The Council last considered this item at its meeting on December 4, 2018. The minor changes that the Council agreed to at the December 4 meeting are incorporated into the draft ordinance and attachments (as applicable) in underline text or strikethrough text, and the new text that was suggested by the Council is shown in blue text for the Council's consideration.

ATTACHMENTS:

Ordinance No. 2018-20 - 12-11-18 Public Hearing Draft.docx

Flow Chart for Council Meeting.pdf

Ordinance 2018-20 Exhibit A -- General Procedures.docx

Ordinance 2018-20 Exhibit B -- Site plans and design review.rtf

Ordinance 2018-20 Exhibit C -- Short Subdivisions.rtf

Ordinance 2018-20 Exhibit D -- Large Lot Subdivisions.rtf

Ordinance 2018-20 Exhibit E -- Conditional Use Permits.rtf

Ordinance 2018-20 Exhibit F -- Long Subdivisions.rtf

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018-20

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to land use review procedures revising Chapter 2.14 and 2.16 of the Bainbridge Island Municipal Code.

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 expressed 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, and wishes to revise development regulations to best accommodate growth and development in both general and specific ways; and

WHEREAS, Ordinance No. 2018-02 imposed a temporary six-month moratorium on the acceptance of certain development, stating the City Council's concerns regarding likely adverse impacts related to growth and development under existing regulations including compliance with design review standards, including as relates to, for example, Policy LU 6.8 of the City's Comprehensive Plan, regarding the role of the Design Review Board, Hearing Examiner, Planning Commission, and City Council in the land use development review and decision-making process; and

WHEREAS, based on these and related concerns, the City Council required additional time to review the regulations and policies at issue to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

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

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

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

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

WHEREAS, on May 7 and 21 and on June 4, 2018, the City's Design Review Board discussed alternatives for land use review procedures; and

WHEREAS, on May 10 and 24, June 7, 14, and 21, July 12, and November 8 and 27, 2018, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures; and

WHEREAS, each of the eleven Design Review Board and Planning Commission meetings included an opportunity for public comment on the alternatives for revisions to the City's land use review procedures; and

WHEREAS, the City provided legal background on the roles of land use bodies, presented in a memorandum from outside legal counsel for the City, James E. Haney, entitled, "*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits,"* dated June 1, 2018; and

WHEREAS, staff forwarded the Planning Commission's recommendations related to land use approval bodies, land use review procedures, and land use decision-making authority to the City Council at its July 24, 2018 regular meeting; and

WHEREAS, on August 27, 2018, the City Council, Planning Commission, and Design Review Board conducted a joint meeting workshop related to land use review roles, responsibilities, and decision-making authority; and

WHEREAS, the City Council reviewed and considered the alternatives for revisions to the City's land use review procedures and decision-making authority at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018; and

WHEREAS, the City issued a State Environmental Policy Act ("SEPA") Determination of Non-Significance for this Ordinance No. 2018-20 on June 8, 2018, which was revised and reissued on September 24, 2018; and

WHEREAS, the City notified the Department of Commerce on June 11, 2018, and again on September 24, 2018, of its intent to revise its development regulations relating to land use review procedures; and

WHEREAS, the City Council conducted a public hearing on Ordinance No. 2018-20 on October 23 and December 11, 2018; and

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

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

Section 1. Section 2.14.020.B of the Bainbridge Island Municipal Code is hereby amended as follows.

B. Duties and Responsibilities. Pursuant to the provisions of Chapter 35A.63 RCW, there is established within the city a planning commission. The title "planning commission" is substituted for the title "planning agency" in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter. The planning commission ~~that~~ shall have the following duties and responsibilities:

1. Participate in the preparation and review of the comprehensive plan for the city; ~~and~~

2.Consider the location, character, extent, and effect of any proposed dedication of any street or other area for public use, including parks, public ways, public buildings, or public structures, with reference to the comprehensive plan, pursuant to RCW 35A.63.080;

~~2~~3. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1; ~~and~~

~~3~~4. Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.S, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting; ~~and~~

5. Review and make recommendations on preliminary short subdivisions if requested by the director;

6. Review and make recommendations on all preliminary large lot subdivisions, preliminary long subdivisions, major site plan and design reviews, major conditional use permits, and major shoreline conditional use permits, taking into consideration the recommendation from the Design Review Board and a comprehensive review of the project at a public meeting;

~~4~~6~~7~~. Such other advisory duties as may be assigned to it by the city council, or as specified in the BIMC; ~~and~~

~~5. The title "planning commission" is substituted for the title "planning agency" in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter; and~~

~~6~~8. Create the planning commission agenda prior to its publication ~~per~~ in consultation with the director~~'s recommendation~~; ~~and~~

~~7. Report annually to the city council prior to the start of the budget process.~~

Section 2. Section 2.14.020.G of the Bainbridge Island Municipal Code is hereby amended as follows.

G. Public Meetings and Hearings. The planning commission will consider ~~the~~ land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. For legislative decisions, the planning commission will hold a public hearing and shall recommend approval, approval with conditions, or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director, the city council, and/or the hearing examiner, as applicable.

Section 3. Section 2.14.020.H of the Bainbridge Island Municipal Code is hereby amended as follows.

H. Public Records. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the planning commission, and shall include findings of fact and conclusions where applicable to support the planning commission's recommendation. The meeting minutes shall be posted on the city's web site.

Section 4. Section 2.14.040.D of the Bainbridge Island Municipal Code is hereby amended as follows.

D. Duties and Responsibilities. The board shall have the following duties and responsibilities:

1. Review and make recommendations on all preliminary large lot subdivisions, preliminary long subdivisions, major site plan and design reviews, major conditional use permits, and major shoreline conditional use permits. ~~Serve in an advisory capacity to the director, hearing examiner, and planning commission, as applicable, regarding site plan and design reviews and conditional use permits pursuant to BIMC 2.16.040, 2.16.050, and 2.16.110 that are subject to city-adopted design guidelines.~~ Applications related to single-family residences such as family day care homes, minor/major home occupations, and single-family residential height variations are exempt from design review board consideration. In addition, applications related to utility facilities and to non-city outdoor recreation facilities are exempt from design review board consideration.

2. Review and make recommendations on preliminary short subdivisions if requested by the director;

~~2~~3. Review and make recommendations to the planning commission and the city council on changes, amendments, and/or additions to the design guidelines.

~~3~~4. Serve in an advisory and review capacity to housing design demonstration project applications pursuant to BIMC 2.16.020.S, including those design demonstration project applications involving land subdivision.

5. Review and serve in an advisory capacity to the city regarding major public projects.

~~4~~6. Such other duties and responsibilities as may be provided by resolution or ordinance of the city council.

~~5~~7. Report annually to the city council prior to the start of the budget process.

Section 5. Table 2.16.010-1, *Summary Table of Land Use Review Procedures,* of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit A, which is attached hereto and made a part hereof by this reference.

Section 6. Section 2.16.020, *General Provisions,* of the Bainbridge Island Municipal Code is hereby amended as follows.

F. Design Review Board Review.

1. The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and the community to better incorporate the vision of the city as outlined in the adopted ~~comprehensive plan and regulations. (See Table 2.16.010-1.)~~ design guidelines.

~~2. In order to identify potential design issues and opportunities, planning staff shall direct a prospective applicant to meet with the board during the conceptual stages of development formulation. This initial review is strongly recommended, and shall occur prior to the proposal's preapplication conference. The applicant shall submit conceptual drawings and diagrams as well as site information (topographic, existing development, surrounding development, and critical area information). Following this optional, initial review, an applicant may proceed with the design of the project, including development of the site plan and elevations that must be submitted as part of the preapplication materials.~~

2~~3~~. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design guidelines. The board's written recommendations shall be included in the staff report transmitted to the Planning Commission ~~attached to the formal preapplication letter generated by planning staff~~.

~~4. Subsequent to submittal of the site plan and design review and/or conditional use permit application, the board shall review a proposal for incorporation of the board's previous comments into the project's design. For all housing design demonstration projects, including subdivisions, the board shall serve in an advisory and review capacity, in addition to analyzing any applicable design guidelines. At the conclusion of its consideration, the board shall submit to the director a recommendation of approval, approval with modifications, or denial of the application based on compliance with design guidelines. The director shall consider the board recommendation prior to making a decision on the application.~~

3~~5~~. A board recommendation is not a decision and there is no city appeal of the recommendation.

Section 7. Section 2.16.040, *Site Plans and Design Review*, of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit B, which is attached hereto and made a part hereof by this reference.

Section 8. Section 2.16.070, *Short Subdivisions*, of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit C, which is attached hereto and made a part hereof by this reference.

Section 9. Section 2.16.080, *Large Lot Subdivisions*, of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit D, which is attached hereto and made a part hereof by this reference.

Section 10. Section 2.16.110, *Major Conditional Use Permit*, of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit E, which is attached hereto and made a part hereof by this reference.

Section 11. Section 2.16.125, *Preliminary Long Subdivisions*, of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit F, which is attached hereto and made a part hereof by this reference.

Section 12. Section 2.16.180 of the Bainbridge Island Municipal Code is hereby amended as follows.

2.16.180 Legislative review of land use regulations and area-wide rezones.

A. Purpose. The purpose of this section is to describe the procedures used when the city council makes legislative (not quasi-judicial, site-specific) decisions related to certain sections of the BIMC.

B. Applicability. This section applies to adoption of or amendments to the BIMC related to land use procedures and regulations, including area-wide rezones initiated by the city and area-wide rezones accompanying privately initiated amendments to the comprehensive plan.

C. Who Can Apply. Any person, entity, or the city may propose an amendment to the BIMC. The city may propose a rezoning on an area-wide basis, and private entities may request the city to consider an area-wide rezoning. If the proposed area-wide rezone is not consistent with the adopted comprehensive plan the applicant shall also submit an application for a comprehensive plan amendment with the rezone application. However, any owner or authorized agent, or group of owners of contiguous property acting jointly, must represent at least 75 percent of the assessed valuation of the subject properties.

D. Planning Commission Review and Recommendation.

1. Planning commission review and recommendation is ~~only~~ required for amendments to ~~BIMC~~ Chapter 2.16 BIMC, and Titles 16, 17, and 18 BIMC, area-wide rezones initiated by the city, or area-wide rezones associated with a privately initiated amendment to the comprehensive plan.

2. The planning commission shall hold a public hearing for all amendments to the official zoning map and ~~zoning~~ municipal code of the city prior to issuing a recommendation to the city council.

3. Any person may participate in the public hearing. The planning commission has discretion to limit testimony to relevant, nonrepetitive comments and to set time limits.

4. Any person may submit written comments, photographs, or other exhibits on the proposed amendment to the planning commission prior to or at the public hearing.

5. The planning commission shall maintain a record of the exhibits presented and a tape recording of the testimony and arguments presented, which shall be kept by the city clerk.

E. Planning Commission Action and Written Recommendation.

1. In making a recommendation, the planning commission shall consider applicable decision criteria of this ~~code~~ chapter, all applicable law, the comprehensive plan, public comment, and any necessary documents and approvals.

2. The planning commission shall issue a written recommendation that contains (a) a statement recommending that the proposed amendment be approved, approved ~~with conditions~~ as amended, or denied, and (b) a statement of facts upon which the recommendation is based and the conclusions derived from those facts.

3. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the city council and department director.

F. City Council Review.

1. The city council shall have the option to hold a public hearing on the proposed amendment ~~at the second reading of the proposed regulation~~. Any person may participate in the public hearing, if held. The city council has discretion to limit testimony to relevant, nonrepetitive comments and to set time limits.

~~2. The agenda for second reading of the proposed development regulation shall reflect the full title of the development regulation being reviewed.~~

2~~3~~. Any person may submit written comments, photographs, or other exhibits on the proposed amendment to the city council prior to or at the public hearing.

3~~4~~. The city council shall maintain a record of the exhibits presented and a tape recording of the testimony and arguments presented, which shall be kept by the city clerk.

Section 13. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. This ordinance shall take effect and be in force five (5) days 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:	October 5, 2018
PASSED BY THE CITY COUNCIL:	_____, 2018
PUBLISHED:	_____, 2018
EFFECTIVE DATE:	_____, 2018
ORDINANCE NUMBER:	2018-20

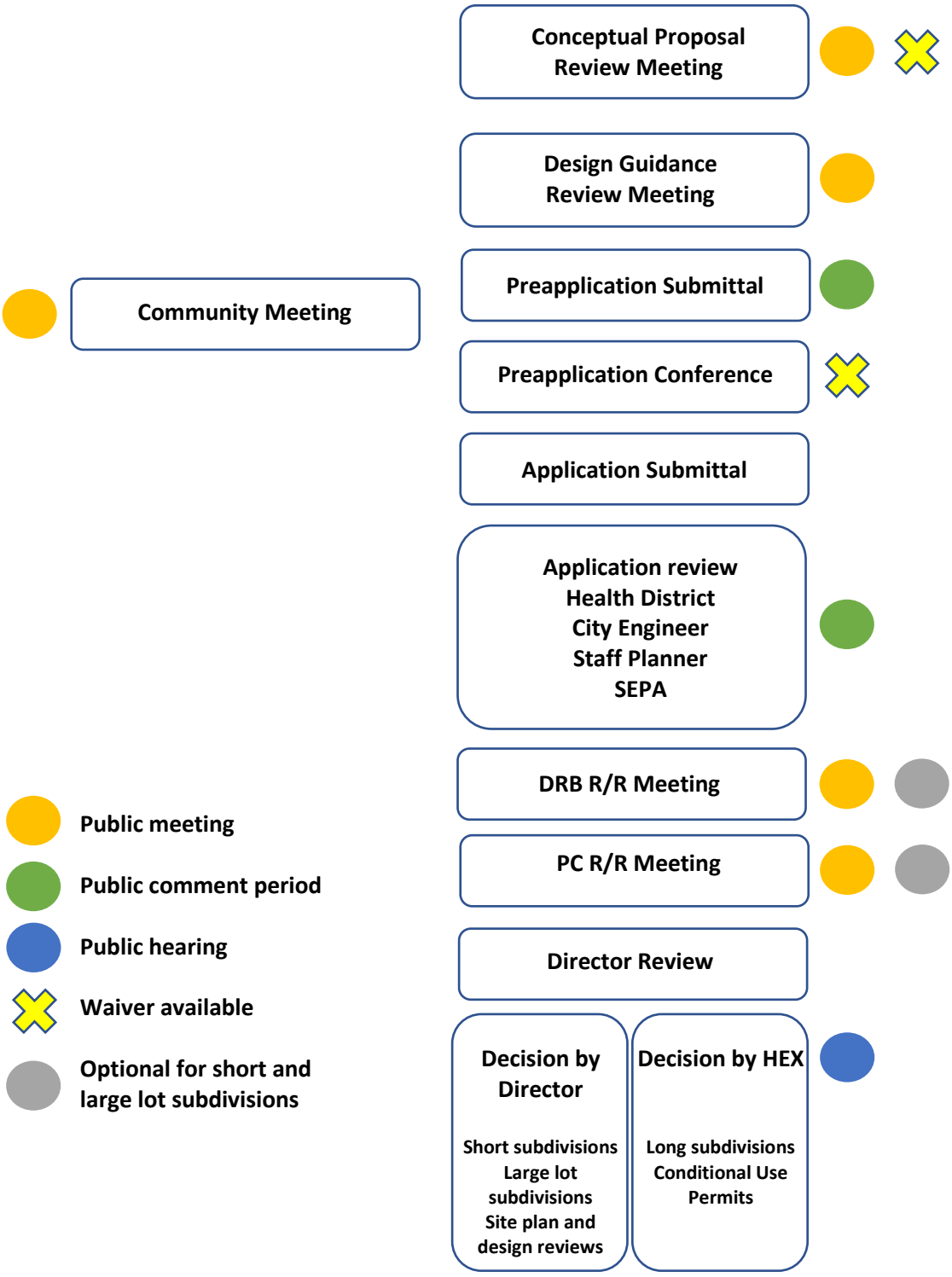
Conceptual Proposal Review Meeting
Design Guidance Review Meeting
Preapplication Submittal
Preapplication Conference
Application Submittal
Application review
Health District
City Engineer
Staff Planner
SEPA
DRB R/R Meeting
PC R/R Meeting
Director Review
Decision by Director
Short subdivisions
Large lot subdivisions
Site plan and design reviews
Decision by HEX
Long subdivisions
Conditional Use Permits
Community Meeting
Public meeting
Public comment period
Public hearing
Waiver available
Optional for short and large lot subdivisions

Exhibit A

Table 2.16.010-1: Summary Table of Land Use Procedures

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	**Planning Comm.**	**Director**	**Hearing Examiner**	**City Council**	**Courts**
Administrative Approvals						
Clearing Permit			D	A		
Conversion Option Harvest Plan Permit			D	A		
Minor Conditional Use	(R)	(R)	D	A		
Minor Variance		(R)	D	A		
Agricultural Conditional Use			D	A		
Large Lot Subdivisions (Prelim) (Final)	R	R	D D	A		 A
Minor Shoreline Variance [1]		(R)	D	A		A [2]
Minor Shoreline Conditional Use [1]		(R)	D	A		A [2]
Public Works Administrative Decisions			D			A
SEPA Determinations			D	A		
Shoreline Substantial Development Exemption [1]			D	A		
Shoreline Substantial Development [1]		(R)	D	A		A [2]
Short Subdivisions (Prelim) (Final)	(R)	(R)	D D	A A		 A
Sign Permits			D			A
Minor Site Plan and Design Review	(R)	(R)	D	A		
Major Site Plan and Design Review (Any SPR in the B/I district must be processed through a major SPR)	R	R	D	A		

R = Review and Recommendation, (R) = Optional Review, D = Decision, A = Appeal, P = Public Hearing, (P) = Optional Public Hearing						
	DRB	**Planning Comm.**	**Director**	**Hearing Examiner**	**City Council**	**Courts**
Critical Area Permit – Major and Minor			D	A		
All other administrative decisions: This includes agricultural retail plans, boundary line adjustments (See BIMC 2.16.090), building and other construction permits, building administrative decisions, clearing permits, BIMC interpretations, vegetation management permit, extension of construction noise hours (See BIMC 16.16.025), and any other administrative land use decision authorized by this code to be made by the director.						
			D	A		
Quasi-Judicial Decisions by the Hearing Examiner						
Conditional Use Permits	~~(R)~~ R	~~(R)~~ R	R	D/P		A
Variances		(R)	R	D/P		A
Reasonable Use Exception (See BIMC 16.20.080)		(R)	R	D/P		A
Major Shoreline Variances [1]		(R)	R	D/P		A [2]
Major Shoreline Conditional Use Permits [1]	R	R	R	D/P		A [2]
Long Subdivisions (Prelim)	R	R	R	D		A
Quasi-Judicial Decisions by City Council						
Long Subdivisions (Final)			R		D	A
Site-Specific Rezones		(R)	R	R/P	D	A
Consolidated Project Review						
See BIMC 2.16.170						
Legislative Approvals						
Adoption or Amendment of Development Regulations		R/P	R		D (P)	A
Comprehensive Plan Amendments		R/P	R		D (P)	A
Legislative Area-Wide Rezones		R/P	R		D (P)	A
Special Area Plans		R/P	R		D (P)	A

[1] City decisions on shoreline variances, shoreline substantial development permits, and shoreline conditional use permits must be reviewed by the Washington Department of Ecology pursuant to WAC 173-27-130 and RCW 90.58.140(10). The Department of Ecology may approve, approve with conditions, or deny the application.

[2] The hearing examiner's decision is forwarded to the Department of Ecology (DOE) for decision. The DOE decision is then appealable to the Shoreline Hearings Board. (See BIMC 2.16.165.I.)

2.16.040 Site plans and design review.

C. ~~Procedures~~. Major and Minor. This section provides two methods of site plan and design review: major and minor. Application materials for both major and minor site plan and design review can be found in the administrative manual.

1. Minor. Minor site plan and design review is required for minor projects that can clearly meet the decision criteria in subsection F~~E~~ of this section, as determined by the director. Examples of minor administrative projects include: (a) a fourplex multifamily development; (b) minor commercial remodel or the addition of a small room; and (c) a minor change in use, such as from a church to a preschool.

2. Major. Major site plan and design review requires design review board and planning commission review and recommendation, and is required for projects that: (a) are determined by the director to be more complicated than those in subsection C.1 of this section, due to site constraints or the complexity of the project; or (b) receive written public comment(s) during the public comment period concerning the effect on the land use application of the comprehensive plan, shoreline master program, or matters not addressed by specific provisions of this code; or (c) are located on property zoned business/industrial after November 22, 1999.

~~D. Design Process.~~

~~1. Site Assessment.~~

~~a. An applicant is required to conduct a site assessment identifying existing watercourses/wetlands, significant trees and vegetation, critical areas and other natural features, and open space in accordance with the design process, and development standards of Chapter 15.20 BIMC and BIMC 18.12.020 if applicable.~~

~~b. An applicant for a site plan and design review proposal is required to prepare maps, site plan(s) and studies (as specified in the submittal requirements) to show how the proposal promotes the purpose and meets the standards of the zoning district and chapter.~~

~~2. Two-Step Preapplication Conference.~~

~~a. Applicants for projects involving multifamily, mixed use, or commercial development subject to design guidelines shall first meet with the design review board to discuss the design concept for the development.~~

~~b. An applicant for a major site plan and design review permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting during the preapplication conference phase of the project.~~

~~c. Following the design review board meeting, the applicant shall meet with appropriate staff and agencies at a required preapplication conference as described in BIMC 2.16.020.I.~~

~~d. The director may waive one or both steps of the preapplication conference in accordance with BIMC 2.16.020.I.3 if the director determines that the nature of the application makes them unnecessary.~~

~~e. Within 14 days of a preapplication conference, the department staff shall notify the applicant in writing whether the proposal will likely require planning commission review.~~

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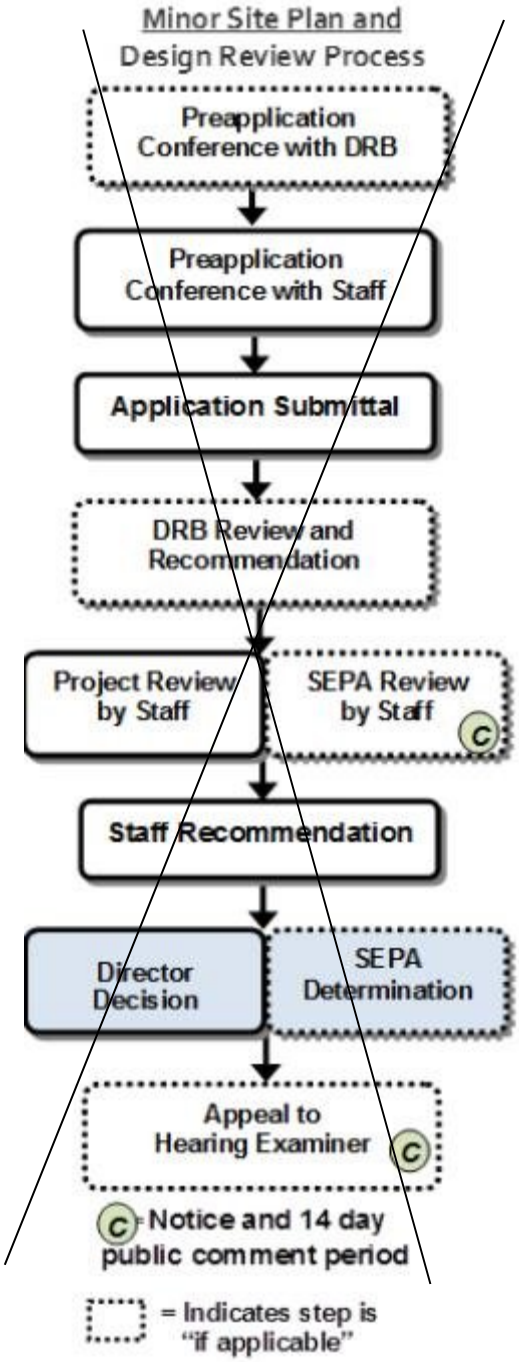

D. Review Procedures – Proposal Stage. Review of site plan and design review proposals shall include all of the following:

1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive

plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptional proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the City of Bainbridge Island Design and Construction Standards and Specifications. The design guidance review meeting will be held at a meeting of the Design Review Board. Requirements are described in the Administrative Manual and include a schematic design and completed design guidelines checklist.

3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in section 2.16.020.I of this code. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a Planning Commission meeting. The preapplication conference application shall be provided to the Design Review Board.

E. Review Procedures – Application Stage. Review of site plan and design review applications shall include all of the following:

1. Application. An applicant may submit an application for site plan and design review at any time after completion of a required the required steps in subsection D of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review by Kitsap Public Health District

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application the decision criteria in subsection F of this section.

3. Review by City Engineer

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application the decision criteria in subsection F of this section.

4. Review and Recommendation by Design Review Board

a. The purpose of the Design Review Board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the Design Review Board at the design guidance review meeting. The Design Review Board will also consider any requested departures from the design guidelines.

b. The Design Review Board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the Director or Planning Commission.

c. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation.

5. Review and Recommendation by Planning Commission

a. In the case of a major site plan and design review application, the Planning Commission shall review the application prior to the review and final decision by the Director.

b. The purpose of the Planning Commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.

c. The Planning Commission shall consider the application at a public meeting where public comments will be taken. The Planning Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Planning Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board. If the applicable criteria are not met, the Planning Commission shall recommend the proposal be modified or denied.

d. The Design Review Board's recommendation shall hold substantial weight in the consideration of the application by the Planning Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the Planning Commission and Design Review Board, to the staff planner. The Planning Commission's written findings will be included in the staff report transmitted to the Director.

f. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

6. Review and Approval by Director

a. The Director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the Design Review Board and, in the case of major site plan and design review applications, the recommendations of the Planning Commission, and shall make a final decision based on:

i. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (i) decision criteria in subsection F of this section, (ii) the DRB recommendation, and (iii) consideration of any public comments received.

ii. In the case of a major site plan and design review application, the director will make the final decision based on (i) the decision criteria in subsection F of this section, (ii) the recommendation of the planning commission, (iii) the recommendation of the design review board, (iv) and consideration of any public comments received. The Design Review Board and Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report.

d. The Director shall make compliance with the recommendations of the Design Review Board and/or Planning Commission a condition of approval, unless the Director concludes that the recommendations:

i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
ii. Exceed the authority of the Design Review Board or Planning Commission;
iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

iv. Conflict with requirements of local, state, or federal law

~~3. Application. An applicant may submit an application for site plan and design review at any time after completion of a required preapplication conference or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.~~

~~4. Application Review.~~

~~a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the Kitsap County health district.~~

~~b. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (i) decision criteria in subsection E of this section, (ii) the DRB recommendation, and (iii) consideration of any public comments received.~~

~~c. In the case of a major site plan and design review application, the design review board and planning commission shall review the application prior to the final decision by the director. The director shall determine the major issues and specific aspects of the project that the planning commission should review, and shall forward this review directive to the planning commission. The planning commission shall review the application based on the director's review directive, the DRB recommendation, and the decision criteria, consider the application at a public meeting where public comments will be taken, and forward its recommendation to the director in accordance with BIMC 2.16.030.C through E. The director will make the final decision based on (i) the decision criteria in subsection E of this section, (ii) the recommendation of the planning commission, (iii) the design review board recommendation, and (iv) consideration of any public comments received.~~

7~~5~~. Relationship to Other Land Development Applications – Consolidated Project Review.

a. If requested by the applicant, a site plan and design review application that is part of a proposal requiring multiple land use permits may be combined in a consolidated project review. Related applications requiring a public hearing shall be considered at one public hearing in accordance with BIMC 2.16.170.

b. If a site plan and design review application is part of a consolidated project, the director will review the site plan and design review application as prescribed under subsection D.4.a or D.4.b of this section, as appropriate, and forward the findings and decision to the appropriate hearing body for any required public hearing.

F~~E~~. Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:

1. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district, unless a standard has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;

2. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the Island-Wide Transportation Plan;

3. The Kitsap County health district has determined that the site plan and design meets the following decision criteria:

a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

b. If the health district recommends approval of the application with respect to those items in subsection E.3.a of this section, the health district shall so advise the director.

c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

4. The city engineer has determined that the site plan and design meets the following decision criteria:

a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the applicable service(s) can be made available at the site; and

f. The site plan and design conforms to the "City of Bainbridge Island Design and Construction Standards," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 18.

5. The site plan and design is consistent with all applicable design guidelines in BIMC Title 18, unless strict adherence to a guideline has been modified as a housing design demonstration project pursuant to BIMC 2.16.020.S;

6. No harmful or unhealthful conditions are likely to result from the proposed site plan;

7. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans;

8. Any property subject to site plan and design review that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;

9. Any property subject to site plan and design review that is within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;

10. If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;

11. The site plan and design has been prepared consistent with the purpose of the site design review process and open space goals.

G~~F~~. Action of Director. The director may approve, approve with conditions, or disapprove the application for site plan and design review. Conditions may be imposed to enable the proposal to meet the standards of the decision criteria.

H~~G~~. Adjustments to Approved Site Plan.

1. Minor adjustments to an approved site plan and design review may be made after review and approval by the director. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.

2. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the director. Major adjustments are those that change the basic design, intensity, density, or character of the use. (Ord. 2017-14 § 1, 2017; Ord. 2017-02 § 2, 2017; Ord. 2016-28 §§ 4, 5, 2016; Ord. 2011-02 § 2 (Exh. A), 2011)

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

2.16.070 Short subdivisions.

A. Purpose. This section provides an administrative procedure for approving subdivision plats including four lots or less.

B. Applicability. This procedure applies to all short subdivisions~~, as defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary~~. Short subdivisions ~~generally~~ involve the division or redivision of land ~~(1)~~ into four lots or less when those plats meet the criteria set forth in BIMC Title 17~~, or (2) into nine lots or less when those plats meet the criteria set forth in BIMC Title 17 and the applicant complies with the open space incentive provisions of BIMC 17.12.030.A.5.a~~.

C. General Procedures.

1. Short subdivisions shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below. Application materials for short subdivisions can be found in the administrative manual.

2. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision.

3. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a short subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

4. Vesting. A proposed short subdivision shall be considered under the subdivision ordinance, zoning or other land use control ordinances, and the State Environmental Policy Act in effect at the time a fully completed application for preliminary approval of the subdivision has been submitted to the city. The requirements for a fully completed application shall be defined by the Administrative Manual.

5. Timeline for Review. The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. The timeline for review can be extended beyond 90 calendar days if the city determines it has incomplete or insufficient application materials and/or if there are significant changes to application materials. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant of the reasons for the delay and steps necessary to complete the application.

~~D. Vesting. A proposed short subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.~~

D. Review Procedures – Proposal Stage. Review of short subdivision proposals shall include all of the following:

1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening short subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual, and include a statement of intent, site analysis, and

context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the City of Bainbridge Island Design and Construction Standards and Specifications. The design guidance review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in 17.12 BIMC.

b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in 17.12 BIMC.

c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.

d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in section 2.16.020.I of this code. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a Planning Commission meeting. The preapplication conference application shall be provided to the Design Review Board and Planning Commission.

E. Review Procedures – Application Stage. Review of short subdivision applications shall include all of the following:

1. Application. An applicant may submit an application for a short subdivision at any time after completion of a required the required steps in subsection E of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection E.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review by Kitsap Public Health District

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

3. Review by City Engineer

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

4. Review and Recommendation by Design Review Board

a. Review and recommendation by the Design Review Board is optional. The Director shall determine whether review is necessary based on the major issues and specific aspects of the project and any written public comments received during the public comment period.

b. The purpose of the Design Review Board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the Design Review Board at the design guidance review meeting. The Design Review Board will also consider any requested departures from the design guidelines.

c. The Design Review Board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The Design Review Board's written findings, conclusions, and recommendation will be included in the staff report transmitted to the Director or Planning Commission.

d. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation.

5. Review and Recommendation by Planning Commission

a. Review and recommendation by the Planning Commission is optional. The Director shall determine whether review is necessary based on the major issues and specific aspects of the project, the Design Review Board recommendation, and any written public comments received during the public comment period.

b. The purpose of the Planning Commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17 and 18, and the comprehensive plan.

c. The Planning Commission shall consider the application at a public meeting where public comments will be taken. The Planning Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Planning Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board. If the applicable criteria are not met, the Planning Commission shall recommend the proposal be modified or denied.

d. The Design Review Board's recommendation shall hold substantial weight in the consideration of the application by the Planning Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the Planning Commission and Design Review Board, to the staff planner. The Planning Commission's written findings, conclusions and recommendation will be included in the staff report transmitted to the Director.

f. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

6. Review and Approval by Director

a. The Director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the Design Review Board and the recommendations of the Planning Commission.

b. The Director will make the final decision based on (i) the decision criteria in subsection F of this section, (ii) the recommendation of the planning commission, (iii) the recommendation of the design review board, (iv) and consideration of any public comments received. The Design Review Board and Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report.

c. The Director shall make compliance with the recommendations of the Design Review Board and/or Planning Commission a condition of approval, unless the Director concludes that the recommendations:

i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
ii. Exceed the authority of the Design Review Board or Planning Commission;
iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
iv. Conflict with requirements of local, state, or federal law

d. The Director shall prepare written findings of facts and conclusions in support of the decision made. If the Director disapproves the application he or she shall provide a written explanation of the reasons for the disapproval to the applicant.

F. Decision Criteria for Short Subdivisions. The Director's decision shall include written findings of fact addressing all the requirements of the following subsections. The short subdivision may be approved or approved with modification if:

1. The applicable subdivision design guidelines and development standards of BIMC Titles 17 and 18 are satisfied; and

2. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and

3. The short subdivision has been prepared consistent with the requirements of the four-step design process; and

4. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; and

5. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; and

6. The city engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:

    a. The long subdivision meets the requirements of 17.12 BIMC related to streets and pedestrian access, and water, stormwater, and septic facilities; and

    b. The long subdivision conforms to regulations concerning drainage in Chapters 15.19, 15.20 and 15.21 BIMC; and

    c. The long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

    d. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and

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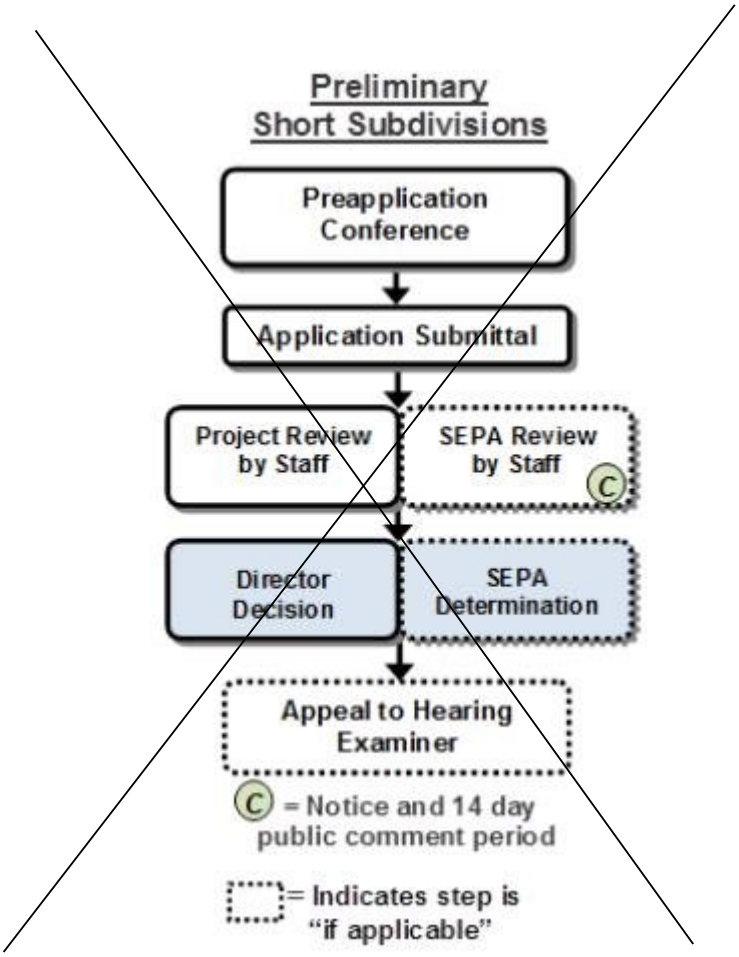
7. The proposal complies with all applicable provisions of this code; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations; and

8. The proposal is consistent with the city's comprehensive plan; and

9. Appropriate provisions for maintenance in perpetuity of natural and/or community space have been made; and

10. The preliminary subdivision design is compatible with the physical characteristics of the proposed subdivision site.



~~E. Preapplication Conference. The applicant shall provide copies of one or more proposed or "first draft" composite site plans prepared in accordance with flexible lot design standards of BIMC Title 17 and Chapter 18.12 BIMC for the preapplication conference.~~

~~F. Optional Additional Application Materials. In addition to the submittal requirements listed in the administrative manual, the applicant may submit any additional studies, analysis or other information regarding the city's open space area requirement contained in BIMC 17.12.030.A that the applicant desires the city to consider in connection with imposing the open space requirement on the applicant's proposed short subdivision. The studies, reports or other information shall indicate the basis on which they are made, and may include a demonstration that the open~~

space designation required under BIMC 17.12.030.A is not reasonably necessary as a direct result of the proposed short subdivision, and that an alternative open space designation is in an amount that is reasonably necessary as a direct result of the proposed short subdivision. The city shall consider the applicant's open space studies, analysis or other information as a part of processing and reviewing the short subdivision application.

G. Review of Preliminary Short Subdivision Application.

1. Timeline of Review. The director has 90 calendar days from the filing of a complete application in which to approve, disapprove or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary short subdivision.

2. Review by the Kitsap County Health District.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall review the application to ascertain whether (i) the proposal conforms to current standards regarding domestic water supply and sewage disposal; and (ii) if the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

c. The health district shall recommend approval, approval with conditions, or disapproval of an application in a timely manner sufficient to allow the city to comply with the review time requirements of BIMC 2.16.030. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.

d. If the health district recommends approval of the application with respect to those items in subsection G.2.b of this section, the health district shall so advise the director.

e. If the health district recommends disapproval of the application, it shall provide a written explanation to the director.

3. Review by the City Engineer.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide a written recommendation of approval, approval with conditions, or disapproval of the preliminary short subdivision application based on the decision criteria in subsection G.5 of this section.

4. Review by the Director.

a. The director shall prepare written findings of fact and conclusions of law in support of the decision made.

b. If the director disapproves the application he or she shall provide a written explanation of the reasons for the disapproval to the applicant and surveyor, if applicable.

5. Decision Criteria. A proposed short subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such short subdivision. The director may approve or approve with conditions an application for a preliminary short subdivision if he or she determines that:

a. The applicable development standards of BIMC 17.12.030 and 17.12.040, and BIMC Title 18, are satisfied;

~~b. The preliminary residential short subdivision has been prepared consistent with the requirements of the flexible lot design process and applicable flexible lot design standards in BIMC Title 17;~~

~~c. Any portion of a short subdivision that contains a critical area or buffer, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;~~

~~d. Any portion of a short subdivision within the shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter;~~

~~e. The preliminary short subdivision makes appropriate provisions for the public health, safety and general welfare, and public use and interest, including those items listed in RCW 58.17.110;~~

~~f. The proposal complies with all applicable provisions of this code, Chapters 36.70A and 58.17 RCW, and all other applicable provisions of state and federal laws and regulations;~~

~~g. The proposal is in accord with the city's comprehensive plan;~~

~~h. The city engineer has determined that the preliminary subdivision meets the following decision criteria:~~

~~i. The short subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and~~

~~ii. The short subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and~~

~~iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and~~

~~iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and~~

~~v. If the short subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the short subdivision, and the applicable service(s) can be made available at the site; and~~

~~vi. The short subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.~~

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2.16.080 Large lot subdivisions.

A. Purpose. This section provides an administrative procedure for approving subdivisions in which all of the created lots are generally larger than five acres.

B. Applicability.

1. This procedure applies to all large lot subdivisions~~, as that term is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary~~. Large lot subdivisions ~~generally~~ include divisions or re-divisions of land so that each created lot contains at least five acres of land (or 1/128th of a section of land, whichever is less). ~~Because of their size, these lots are not required to follow the flex lot design process described in BIMC Title 17.~~

~~2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a large lot subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.~~

C. General Procedures. ~~Large lot subdivisions shall be approved through the general administrative review procedures described in BIMC 2.16.030 except as described below.~~

1. The provisions of this section shall supplement the general administrative review provisions of BIMC 2.16.020 and 2.16.030 when the application is for a large lot subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

2. Large lot subdivisions shall be reviewed and approved through the procedures described for short subdivisions in BIMC 2.16.070.D through F, with the exception that Design Review Board and Planning Commission review and recommendation are required, not optional.

4. Vesting. A proposed large lot subdivision shall be considered under the subdivision ordinance, zoning or other land use control ordinances, and the State Environmental Policy Act in effect at the time a fully completed application for preliminary approval of the subdivision has been submitted to the city. The requirements for a fully completed application shall be defined by the Administrative Manual.

5. Timeline for Review. The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. The timeline for review can be extended beyond 90 calendar days if the city determines it has incomplete or insufficient application materials and/or if there are significant changes to application materials. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant of the reasons for the delay and steps necessary to complete the application.

~~D. Vesting. A proposed large lot subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of a complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.~~

~~E. Review of Preliminary Large Lot Subdivision Application.~~

~~1. Timeline of Review. The director has 90 calendar days from the filing of a complete application for which to approve, disapprove, or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary review.~~

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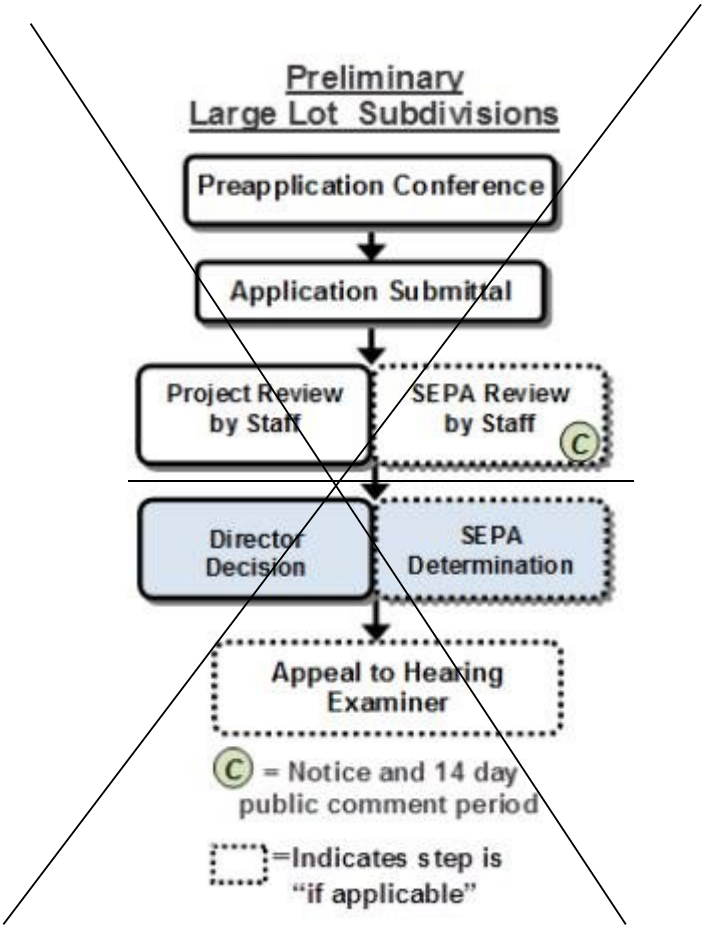

~~2. Review by the Kitsap County Health District. Following the submission of a complete application for a preliminary large lot subdivision, the application shall be reviewed by the Kitsap County health district as described in BIMC 2.16.070.G.2.~~

~~3. Review by the City Engineer.~~

~~a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.~~

~~b. The city engineer shall provide a written recommendation of approval, approval with conditions, or disapproval of the preliminary large lot subdivision application based on the decision criteria in subsection E.5 of this section.~~

~~c. In making an analysis of whether the application conforms to the "City of Bainbridge Island Design and Construction Standards and Specifications," the city engineer shall assume that each lot within the proposed large lot subdivision will be divided at some time in the future and the city engineer may take such contingency into account in recommending approval, approval with conditions, or disapproving an application.~~

~~4. Review by the Director. Each application for a large lot subdivision shall be reviewed by the director as described in BIMC 2.16.070.G.4. When the director approves the application, approves the application with conditions, or disapproves the application, a written statement of findings and conclusions shall be prepared that supports the director's decision.~~

~~5. Decision Criteria. The director may approve or approve with modification an application for a preliminary large lot subdivision if he or she determines that:~~

~~a. The application conforms to all applicable provisions of the BIMC including without limitation (i) the zoning ordinance; (ii) the comprehensive plan; (iii) the shoreline management regulations; (iv) the critical areas ordinance; and (v) the applicable standards and requirements of this title.~~

~~b. The city engineer has determined that the preliminary subdivision meets the following decision criteria:~~

~~i. The large lot subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and~~

~~ii. The large lot subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and~~

~~iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and~~

~~iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and~~

~~v. If the large lot subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the large lot subdivision, and the applicable service(s) can be made available at the site; and~~

~~vi. The large lot subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17.~~

~~c. The Kitsap County health district has recommended approval of the application, or approval with conditions.~~

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2.16.110 Major conditional use permit.

A. Purpose. A major conditional use permit is a mechanism by which the city may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible the proposal shall be denied.

B. Applicability.

1. As determined by the director, a major conditional use permit shall be secured from the city prior to establishing or expanding a use according to situations that include, but are not limited to: (a) the proposed use or expansion covers 50 percent or greater of the total lot area; (b) the proposed use is accessed by a local or private road; (c) the proposed use or expansion generates more than 36 total trips per day; (d) the proposed use or expansion contains four or more units in a multifamily dwelling; or (e) requests for additional nonresidential building height pursuant to Table 18.12.020-1, 18.12.020-2, or 18.12.020-3.

2. Any activity that is exempt from the request for a minor conditional use permit pursuant to BIMC 2.16.050.B.2 is also exempt from the request for a major conditional use permit.

3. The provisions of this section supplement those of BIMC 2.16.020 and 2.16.100 when the application is for a conditional use permit. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.100 and this section, the provisions of this section shall govern.

4. Temporary uses and events may be exempt from some or all of the major conditional use permit requirements if the director determines that their impacts on the immediately surrounding area will be minimal.

C. General Procedures.

1. Major conditional uses shall be approved through the general procedures applicable to quasi-judicial decisions by the hearing examiner in BIMC 2.16.100 except as described below.

~~2. An applicant for a major conditional use permit is required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held after the design review board meeting, if one is required, during the preapplication conference phase of the project.~~

D. Review Procedures – Proposal Stage. Review of major conditional use permit proposals shall include all of the following:

1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptional proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the City of Bainbridge Island Design and Construction Standards and Specifications. The design

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guidance review meeting will be held at a meeting of the Design Review Board. Requirements are described in the Administrative Manual and include a schematic design and completed design guidelines checklist.

3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in section 2.16.020.I of this code. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32, except that the community meeting shall be held at a Planning Commission meeting. The preapplication conference application shall be provided to the Design Review Board.

E. Review Procedures – Application Stage. Review major conditional use permit applications shall include all of the following:

1. Application. An applicant may submit an application for a major conditional use permit at any time after completion of a required the required steps in subsection D of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection D.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review and Recommendation by Design Review Board

a. The purpose of the Design Review Board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the Design Review Board at the design guidance review meeting. The Design Review Board will also consider any requested departures from the design guidelines.

b. The Design Review Board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The Design Review Board's written findings will be included in the staff report transmitted to the Director or Planning Commission.

c. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation.

3. Review and Recommendation by Planning Commission

a. In the case of a major ~~site plan and design review~~ conditional use permit application, the Planning Commission shall review the application prior to the review and final decision by the Director.

b. The purpose of the Planning Commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.

c. The Planning Commission shall consider the application at a public meeting where public comments will be taken. The Planning Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Planning Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board. If the applicable criteria are not met, the Planning Commission shall recommend the proposal be modified or denied.

d. The Design Review Board's recommendation shall hold substantial weight in the consideration of the application by the Planning Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

e. The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the Planning Commission and Design Review Board, to the staff planner. The Planning Commission's written findings will be included in the staff report transmitted to the Director.

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f. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

4. Review by Director

a. The director shall review the application materials, staff report, and the recommendations of the Planning Commission and shall prepare a report to the Hearing Examiner recommending approval, approval with conditions, or disapproval of the application.

b. The Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report.

5. Review and Public Hearing with Hearing Examiner

a. The Hearing Examiner shall consider the application materials and the director's recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

b. The Hearing Examiner shall make compliance with the recommendations of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendations:

i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
ii. Exceed the authority of the Design Review Board or Planning Commission;
iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
iv. Conflict with requirements of local, state, or federal law

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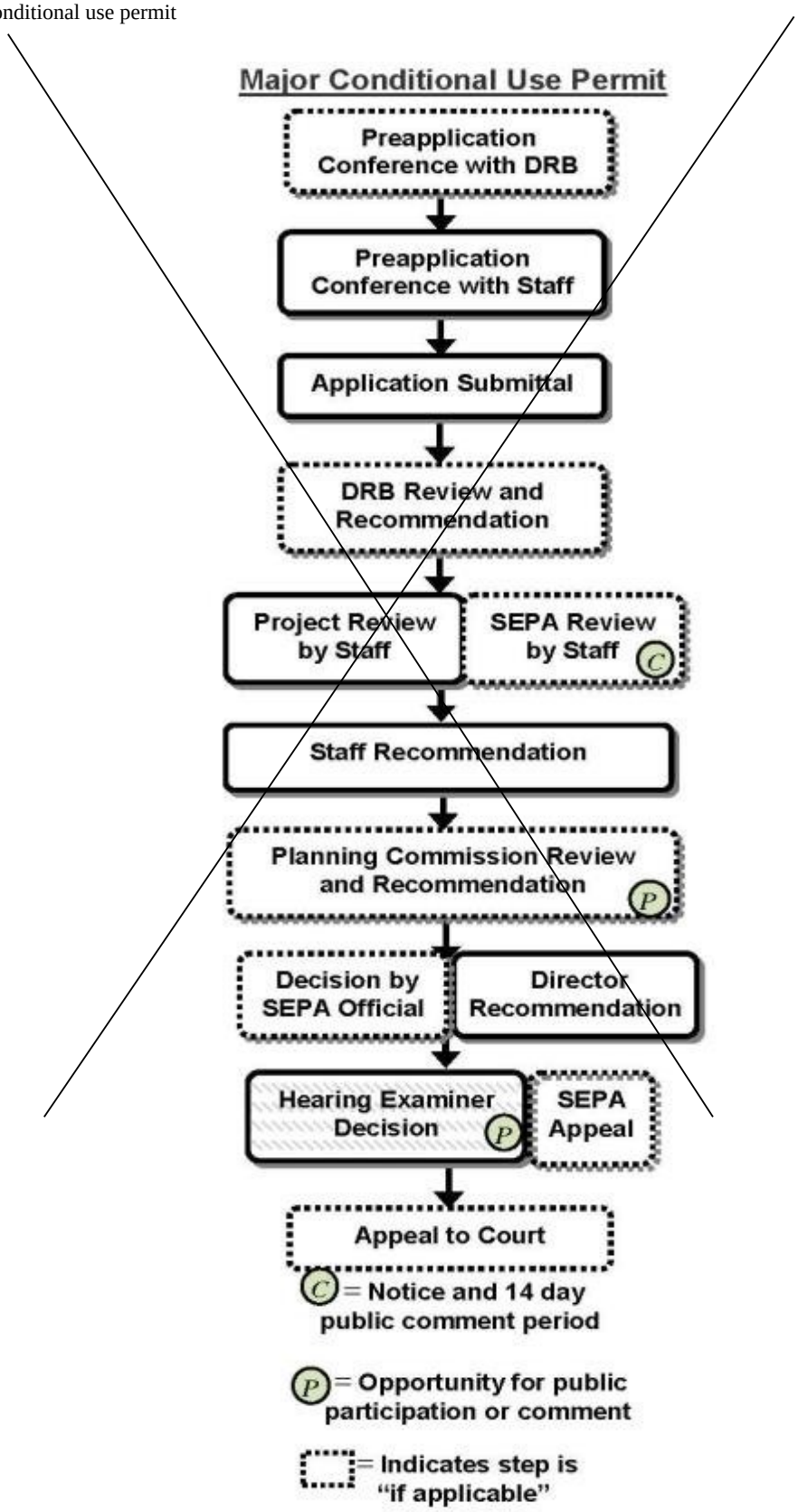
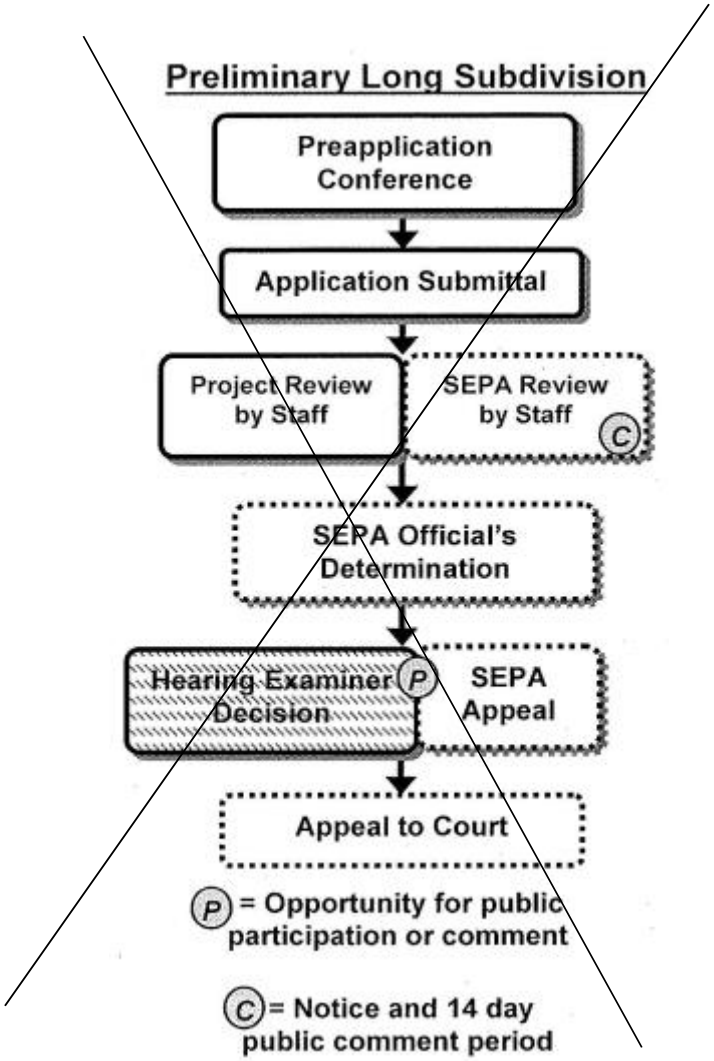

Major Conditional Use Permit
Preapplication Conference with DRB
Preapplication Conference with Staff
Application Submittal
DRB Review and Recommendation
Project Review by Staff
SEPA Review by Staff
C
Staff Recommendation
Planning Commission Review and Recommendation
P
Decision by SEPA Official
Director Recommendation
Hearing Examiner Decision
P
SEPA Appeal
Appeal to Court
C = Notice and 14 day public comment period
P = Opportunity for public participation or comment
= Indicates step is "if applicable"

2.16.125 Preliminary long subdivisions.

A. Purpose. This section provides a procedure for ~~city council~~ review and approval of preliminary long subdivision applications in compliance with the provisions of RCW Title 58, BIMC Title 17, and other applicable provisions of Washington State law and this municipal code.

B. Applicability. This procedure applies to all applications for preliminary long subdivisions~~, as that term is defined in Chapter 17.28 BIMC, and that definition shall prevail over the following summary~~. Long subdivisions ~~generally~~ involve the division or redivision of land into more than four lots~~, where some of the lots are smaller than five acres in size~~.



C. General Procedures.

1. Long subdivisions shall be approved through the quasi-judicial hearing examiner approval procedures described in BIMC 2.16.100 except as described below.

2. The provisions of this section shall supplement those of BIMC 2.16.020 and 2.16.030 when the application is for a long subdivision. In the event of a conflict between the provisions of BIMC 2.16.020 or 2.16.030 and this section, the provisions of this section shall govern.

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3. Vesting. A proposed long subdivision shall be considered under the subdivision ordinance, zoning or other land use control ordinances, and the State Environmental Policy Act in effect at the time a fully completed application for preliminary approval of the subdivision has been submitted to the city. The requirements for a fully completed application shall be defined by the Administrative Manual.

4. Timeline for Review. The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. The timeline for review can be extended beyond 90 calendar days if the city determines it has incomplete or insufficient application materials and/or if there are significant changes to application materials. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant of the reasons for the delay and steps necessary to complete the application.

D. Review Procedures – Proposal Stage. Review of long subdivision proposals shall include all of the following:

1. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening long subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptional proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

2. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the City of Bainbridge Island Design and Construction Standards and Specifications. The design guidance review meeting will be held at a meeting of the Design Review Board. Submittal requirements are described in the Administrative Manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in 17.12 BIMC.

b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in 17.12 BIMC.

c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.

d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.

3. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in section 2.16.020.I of this code. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program

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outlined in Resolution No. 2010-32, except that the community meeting shall be held at a Planning Commission meeting. The preapplication conference application shall be provided to the Design Review Board and Planning Commission.

E. Review Procedures – Application Stage. Review of long subdivision applications shall include all of the following:

1. Application. An applicant may submit an application for a long subdivision at any time after completion of a required the required steps in subsection E of this section or approval of a waiver in accordance with BIMC 2.16.020.I.3 or I.4 or subsection E.1 of this section. The applicant shall submit a complete application with all required submittal requirements listed in the administrative manual.

2. Review by Kitsap Public Health District

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

3. Review by City Engineer

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application pursuant to the decision criteria in subsection F of this section.

4. Review and Recommendation by Design Review Board

a. The purpose of the Design Review Board review and recommendation meeting is to review a proposed project for compliance with applicable design guidelines and to ensure that the project reflects any revisions recommended by the Design Review Board at the design guidance review meeting. The Design Review Board will also consider any requested departures from the design guidelines.

b. The Design Review Board will forward written findings, their determination of the project's consistency with the design guidelines, the design guideline checklist, and their recommendation, including any conditions, to the staff planner. Any condition attached to a recommendation must be intended to achieve consistency with one or more specific design guidelines. The Design Review Board's written findings, conclusions, and recommendation will be included in the staff report transmitted to the Director or Planning Commission.

c. A Design Review Board recommendation is not a final decision and therefore there is no appeal of the recommendation.

5. Review and Recommendation by Planning Commission

a. The purpose of the Planning Commission review and recommendation meeting is to review a proposed a project for consistency with applicable design guidelines, BIMC Title 17 and 18, and the comprehensive plan.

b. The Planning Commission shall consider the application at a public meeting where public comments will be taken. The Planning Commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the Planning Commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the Design Review Board. If the

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

applicable criteria are not met, the Planning Commission shall recommend that the proposal be modified or denied.

c. The Design Review Board's recommendation shall hold substantial weight in the consideration of the application by the Planning Commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.

d. The Planning Commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the Planning Commission and Design Review Board, to the staff planner. The Planning Commission's written findings, conclusions, and recommendation will be included in the staff report transmitted to the Director.

e. A Planning Commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

6. Review by Director

a. The Director shall review the application materials, information provided by the health district and city engineer, staff report, and the recommendations of the Planning Commission and shall prepare a report to the Hearing Examiner recommending approval, approval with conditions, or disapproval of the application.

b. The Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report.

7. Review and Public Hearing with Hearing Examiner

a. The Hearing Examiner shall consider the application materials and the Director's recommendation at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

b. The Hearing Examiner shall make compliance with the recommendations of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendations:

i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
ii. Exceed the authority of the Design Review Board or Planning Commission;
iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
iv. Conflict with requirements of local, state, or federal law

F. Decision Criteria for Preliminary Long Subdivisions. The hearing examiner's decision shall include written findings of fact that the application meets all the requirements of the following subsections. The preliminary long subdivision may be approved or approved with modification if:

1. The applicable subdivision design guidelines and development standards of BIMC Titles 17 and 18 are satisfied; and

2. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and

3. The preliminary long subdivision has been prepared consistent with the requirements of the four-step design process; and

4. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; and

5. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; and

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6. The city engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:

    a. The long subdivision meets the requirements of 17.12 BIMC related to streets and pedestrian access, and water, stormwater, and septic facilities; and

    b. The long subdivision conforms to regulations concerning drainage in Chapters 15.19, 15.20 and 15.21 BIMC; and

    c. The long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

    d. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and

7. The proposal complies with all applicable provisions of this code; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations; and

8. The proposal is consistent with the city's comprehensive plan; and

9. Appropriate provisions for maintenance in perpetuity of natural and/or community space have been made; and

10. The preliminary subdivision design is compatible with the physical characteristics of the proposed subdivision site.

~~D. Vesting. A proposed long subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time of complete application, unless a different result is required by provisions of Chapter 58.17 RCW. A later request for additional information shall not change the date on which the application is considered vested.~~

~~E. Preapplication Conference. The applicant shall provide copies of one or more proposed or "first draft" composite site plans prepared in accordance with flexible lot design standards of BIMC Title 17 and Chapter 18.12 BIMC for the preapplication conference. Applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 2010-32. The meeting will be held during the preapplication conference phase of the project.~~

~~F. Optional Additional Application Materials. In addition to the submittal requirements listed in the administrative manual, the applicant may submit any additional studies, analysis or other information regarding the city's open space area requirement contained in BIMC 17.12.030.A that the applicant desires the city to consider in connection with imposing the open space requirement on the applicant's proposed long subdivision. The studies, reports or other information shall indicate the basis on which they are made, and may include a demonstration that the open space designation required under BIMC 17.12.030.A is not reasonably necessary as a direct result of the proposed long subdivision, and that an alternative open space designation is in an amount that is reasonably necessary as a direct result of the proposed long subdivision. The city shall consider the applicant's open space studies, analysis or other information as a part of processing and reviewing the long subdivision application.~~

~~G. Review of Preliminary Long Subdivision Application.~~

~~1. Timeline for Review. The city has 90 calendar days from the filing of a complete application in which to approve, disapprove, or return the application to the applicant for modification. This time period may be extended only with the approval of the applicant. If no action can be taken to approve or disapprove the application within the 90 calendar days, the director must notify the applicant and surveyor, if applicable, of the reasons for the delay and steps necessary to complete the application for preliminary long subdivision.~~

~~2. Review by the Kitsap County Health District.~~

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the health district.

b. The health district shall review the application to ascertain whether (i) the proposal conforms to current standards regarding domestic water supply and sewage disposal; and (ii) if the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.

c. The health district shall recommend approval, approval with conditions, or disapproval of an application based on those criteria in subsection G.2.b of this section in a timely manner sufficient to allow the city to comply with the review time requirements of subsection G.1 of this section. If at any time during the application process it appears that the review time cannot be met, it shall be the responsibility of the health district to advise the director of the reasons for the delay.

3. Review by the City Engineer.

a. Upon receipt of the application and determination of completeness, the director shall transmit a copy of the application to the city engineer.

b. The city engineer shall provide written recommendation of approval, approval with conditions, or disapproval of the preliminary long subdivision application based on the decision criteria in subsection H of this section.

4. Review by the Director. The director shall review the application materials and information provided by the health district and city engineer and shall prepare a report recommending approval, approval with conditions, or disapproval of the application.

5. Public Hearing with Hearing Examiner. The hearing examiner will consider the application materials and the director's recommendation regarding the proposed long subdivision application at a public hearing following the procedures of BIMC 2.16.100.C and applicable provisions of BIMC 2.16.020.

H. Decision Criteria for Preliminary Long Subdivisions. The hearing examiner's decision shall include findings of fact that the application meets all the requirements of the following subsections:

1. The preliminary long subdivision may be approved or approved with modification if:

a. The applicable subdivision development standards of BIMC Titles 17 and 18 are satisfied; and

b. The preliminary long subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110; and

c. The preliminary long subdivision has been prepared consistent with the requirements of the flexible lot design process, unless a flexible lot standard has been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.S; and

d. Any portion of a long subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter; and

e. Any portion of a long subdivision within shoreline jurisdiction, as defined in Chapter 16.12 BIMC, conforms to all requirements of that chapter; and

f. The city engineer's recommendation contains determinations that the following decision criteria are met and such determinations are supported by substantial evidence within the record:

i. The long subdivision conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and

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ii. The long subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream; and

iii. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties; and

iv. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic; and

v. If the long subdivision will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the long subdivision, and the applicable service(s) can be made available at the site; and

vi. The long subdivision conforms to the "City of Bainbridge Island Engineering Design and Development Standards Manual," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and

g. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," unless the city engineer has approved a variation to the road standards in that document based on his or her determination that the variation meets the purposes of BIMC Title 17; and

h. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a housing design demonstration project pursuant to BIMC 2.16.020.S; Chapters 36.70A and 58.17 RCW; and all other applicable provisions of state and federal laws and regulations; and

i. The proposal is in accord with the city's comprehensive plan.

2. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision.

The Bainbridge Island Municipal Code is current through Ordinance 2018-42, passed October 9, 2018.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (7:30 PM) Ordinance No. 2018-47, Updating System Participation Fees for Water and Sewer Utilities - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
I move to approve Ordinance No. 2018-47.

SUMMARY:
Consider approval of Ordinance No. 2018-47, which proposes to amend the City's Fee Schedule to update the system participation fees for water and sewer.

FISCAL IMPACT:

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

BACKGROUND: Studies of the rates, charges, and fees of a utility systems are usually conducted on periodic intervals to insure they provide adequate revenue for the utilities, and to insure the rates, charges, and fees are, and continue to be, 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 2016-17. In both cases, it had been many years since previous 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. 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 City-hired consultant, FCS Group, will present their findings and recommendations concerning Water and Sewer Utility System

Participation Fees that apply to new development. The UAC reviewed the recommendation and provided the attached memorandum. FCS and the UAC are still developing a recommendation regarding Water and Sewer Utility rates for current customers and will be bringing that recommendation forward in early 2019.

ATTACHMENTS:

Ordinance No. 2018-47 - Updating Sewer and Water Participation Fees

UAC SPF Recommendation

BI SPF Update

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018-47

AN ORDINANCE of the City of Bainbridge Island, Washington, updating the City's sewer and water system participation fees, first set by Ordinance No. 1982-20; and amending Section 11 of the City's Fee Schedule, relating to sewer and water system participation fees.

WHEREAS, on June 7, 1982, the City Council adopted Ordinance No. 1982-20, setting sewer and water utility participation fees; and

WHEREAS, on January 13, 1983, the City Council adopted Ordinance No. 1983-01, amending the City's sewer and water system participation fees set by Section E of Ordinance No. 1982-20; and

WHEREAS, on August 18, 1983, the City Council adopted Ordinance No. 1983-09, further amending Section E of Ordinance No. 1982-20 relating to sewer and water system participation fees; and

WHEREAS, on March 21, 1991, the City Council adopted Ordinance No. 1991-13, further amending the City's sewer and water system participation fees set by Section E of Ordinance No. 1982-20; and

WHEREAS, on December 16, 1993, the City Council adopted Ordinance No. 1993-39, further amending the City's sewer and water system participation fees set by Section E of Ordinance No. 1982-20; and

WHEREAS, on November 6, 1997, the City Council adopted Ordinance No. 1997-26, further amending the City's sewer and water system participation fees set by Section E of Ordinance No. 1982-20; and

WHEREAS, on December 14, 2005, the City Council adopted Ordinance No. 2005-18, further amending the City's sewer system participation fees set by Section E of Ordinance No. 1982-20; and

WHEREAS, in March 2018, the City hired the FCS Group to evaluate and provide a recommendation to the City concerning water and sewer system participation fees; and

WHEREAS, in November 2018, the FCS Group submitted a Water & Sewer System Participation Fee Update Final Report to the City ("Final Report"), which contained recommendations related to the City's system participation fees; and

WHEREAS, on November 14, 2018, after reviewing the Final Report, the City's Utility Advisory Committee officially recommended that the City Council adopt the FCS Group's recommendations related to water and sewer system participation fees.

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

Section 1. Section E.1.a of Ordinance No. 1982-20 is hereby amended to read as follows:

SECTION E. Water and Sewer Rates, Charges, and Fees.

1. SYSTEM PARTICIPATION FEES

a. **WATER**

(1) Residential – Single Family		
Meter Size of: ~~5/8" or ¾"~~	~~$2,754.00~~	
5/8"		$3,806.00
3/4"		$5,709.00
1"	~~6,885.00~~	$9,515.00
1.5"	~~13,770.00~~	$19,029.00
2"	~~22,033.00~~	$30,447.00
3"	~~44,066.00~~	$60,893.00
4"	~~68,854.00~~	$95,145.00
6"	~~137,708.00~~	$190,291.00
(2) Residential – Multi-Family		
Meter Size of: ~~5/8" or ¾"~~	~~$4,515.00~~	
5/8"		$4,030.00
3/4"		$6,045.00
1"	~~11,287.00~~	$10,075.00
1.5"	~~22,575.00~~	$20,150.00
2"	~~36,120.00~~	$32,240.00
3"	~~72,241.00~~	$64,480.00
4"	~~112,876.00~~	$100,750.00
6"	~~225,753.00~~	$201,499.00
(3) Commercial ~~or Other~~		
Meter Size of: ~~5/8" or ¾"~~	~~$5,692.00~~	
5/8"		$4,030.00
3/4"		$6,045.00
1"	~~14,231.00~~	$10,075.00
1.5"	~~28,462.00~~	$20,150.00
2"	~~45,539.00~~	$32,240.00
3"	~~91,079.00~~	$64,480.00
4"	~~142,311.00~~	$100,750.00
6"	~~284,623.00~~	$201,499.00

(4) Irrigation

Meter Size of:		
~~5/8" or ¾"~~	~~$4,498.00~~	
5/8"		$3,357.00
3/4"		$5,036.00
1"	~~11,245.00~~	$8,394.00
1.5"	~~22,490.00~~	$16,787.00
2"	~~35,984.00~~	$26,860.00
3"	~~71,968.00~~	$53,720.00
4"	~~112,450.00~~	$83,937.00
6"	~~224,901.00~~	$167,875.00

Section 2. Section E.1.b of Ordinance No. 1982-20 is hereby amended to read as follows:

b. **SEWER**

WINSLOW		
(1) Residential – Single Family	~~$5,123~~	$8,187.00 (a flat fee)
(2) Residential – Multi-Family	~~3,178~~	$5,079.00 per living unit
(3) Commercial ~~or Other~~	~~5,123 per ERU~~	$8,187.00 per ERU

Where "ERU" is defined as each set of 20-fixture~~s~~ units as shown on the schedule of fixture units ~~affixed to this amendment~~ on file with the City Clerk.

SOUTH ISLAND SEWER	
(1) Residential – Single Family	$3,751.00 (a flat fee)
(2) Residential – Multi-Family	$2,327.00 per living unit
(3) Commercial	$3,751.00 per ERU

Where "ERU" is defined as each set of 20-fixture units as shown on the schedule of fixture units on file with the City Clerk.

Section 3. Section 11.A.1 of the City's Fee Schedule is hereby amended to read as follows:

11. UTILITY FEES

A. CONNECTION TO CITY UTILITIES
(Required by Ordinance No. 82-20)

1. SYSTEM PARTICIPATION FEES
(Ordinance Nos. ~~97-26 and 2005-18~~ 2018-47)

A. **WATER**

(1) Residential – Single Family		
Meter Size of: ~~5/8" or ¾"~~	~~$2,754.00~~	
5/8"		$3,806.00
3/4"		$5,709.00
1"	~~$6,885.00~~	$9,515.00
1.5"	~~$13,770.00~~	$19,029.00
2"	~~$22,033.00~~	$30,447.00
3"	~~$44,066.00~~	$60,893.00
4"	~~$68,854.00~~	$95,145.00
6"	~~$137,708.00~~	$190,291.00
(2) Residential – Multi-Family		
Meter Size of: ~~5/8" or ¾"~~	~~$4,515.00~~	
5/8"		$4,030.00
3/4"		$6,045.00
1"	~~$11,287.00~~	$10,075.00
1.5"	~~$22,575.00~~	$20,150.00
2"	~~$36,120.00~~	$32,240.00
3"	~~$72,241.00~~	$64,480.00
4"	~~$112,876.00~~	$100,750.00
6"	~~$225,753.00~~	$201,499.00
(3) Commercial ~~or Other~~		
Meter Size of: ~~5/8" or ¾"~~	~~$5,692.00~~	
5/8"		$4,030.00
3/4"		$6,045.00
1"	~~$14,231.00~~	$10,075.00
1.5"	~~$28,462.00~~	$20,150.00
2"	~~$45,539.00~~	$32,240.00
3"	~~$91,079.00~~	$64,480.00
4"	~~$142,311.00~~	$100,750.00
6"	~~$284,623.00~~	$201,499.00

(4) Irrigation			
Meter Size of:	~~5/8" or ¾"~~	~~$4,498.00~~	
	5/8"		$3,357.00
	3/4"		$5,036.00
	1"	~~$11,245.00~~	$8,394.00
	1.5"	~~$22,490.00~~	$16,787.00
	2"	~~$35,984.00~~	$26,860.00
	3"	~~$71,968.00~~	$53,720.00
	4"	~~$112,450.00~~	$83,937.00
	6"	~~$224,901.00~~	$167,875.00

B. **SEWER**

WINSLOW		
(1) Residential – Single Family	~~$5,123~~	$8,187.00 (a flat fee)
(2) Residential – Multi-Family	~~3,178.00~~ ~~5,123.00 per ERU~~	$5,079.00 per living unit
(3) Commercial ~~or Other~~		$ 8,187.00 per ERU

Where "ERU" is defined as each set of 20-fixture~~s~~ units as shown on the schedule of fixture units on file with the City Clerk.

SOUTH ISLAND SEWER	
(1) Residential – Single Family	$3,751.00 (a flat fee)
(2) Residential – Multi-Family	$2,327.00 per living unit
(3) Commercial	$ 3,751.00 per ERU

Where "ERU" is defined as each set of 20-fixture units as shown on the schedule of fixture units on file with the City Clerk.

Section 4. All portions of any sections or subsections of any previously enacted ordinances of the City of Bainbridge Island, including those ordinances referenced in the recitals to this ordinance, which relate to sewer or water system participation fees and are inconsistent with this ordinance are hereby repealed.

Section 5. 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 30, 2018
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2018-47

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 Kantor, Co-Chairs
Charles Averill, Steven Johnson, Ted Jones, Nancy Nolan, Emily Sato

CITY OF
BAINBRIDGE ISLAND

Water & Sewer System Participation Fee Update

FINAL REPORT
November 2018

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FCS GROUP
Solutions-Oriented Consulting

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I.A. INTRODUCTION

The City of Bainbridge Island ("City") imposes System Participation Fees (SPFs) on development occurring in its utility service area. Authorized by Section 35.92.025 of the Revised Code of Washington (RCW), these charges are intended to recover an equitable share of the cost of system infrastructure. **Table 1** summarizes the City's current SPFs:

Table 1: 2018 System Participation Fees

	Single-Family	Multi-Family	Commercial	Irrigation
Water SPF:				
5/8" or 3/4" Meter	$2,754	$4,515	$5,692	$4,498
1" Meter	$6,885	$11,287	$14,231	$11,245
1-1/2" Meter	$13,770	$22,575	$28,462	$22,490
2" Meter	$22,033	$36,120	$45,539	$35,984
3" Meter	$44,066	$72,241	$91,079	$71,968
4" Meter	$68,854	$112,876	$142,311	$112,450
6" Meter	$137,708	$225,753	$284,623	$224,901
Sewer SPF	$5,123	$3,178 per Unit	$5,123 per ERU	

The City's water SPFs went into effect in 1997 with the passing of City Ordinance No. 97-26. To recognize that the potential water demand of a service connection increases with water meter size, the existing charges increase with meter size. The applicable charges also vary by customer class, presumably to reflect differences in each class' service characteristics.

The City's sewer SPFs went into effect in 2005 with the passing of Ordinance No. 2005-18. The existing structure effectively defines single-family homes as one equivalent residential unit (ERU), multi-family buildings as roughly 0.62 ERUs per dwelling unit, and commercial users as 1 ERU per 20 fixture units. Note that the City's sewer SPFs only apply to development in the Winslow area. Development in the South Island service area does not currently pay an SPF directly to the City; it is subject to the following connection charges imposed by Kitsap County Sewer District No. 7:

- South Island properties that were part of Utility Local Improvement District (ULID) #1 pay a connection charge of $1,600.
- Other South Island properties are subject to a latecomer charge of $8,720 if they have a reservation number, or $10,330 if they do not have one.

I.B. METHODOLOGY

SPFs are important in promoting equity between existing customers and growth – without them, existing customers would largely bear the burden of paying for infrastructure oversized to meet anticipated future demands. At its simplest, the SPF methodology involves dividing an eligible

infrastructure cost by a defined number of customer units to arrive at a cost per unit. There are a variety of approaches that are used in the industry to establish defensible charges, including:

- ***"System Buy-In" Approach:*** Promotes parity between existing customers and growth by ensuring that new customers make an investment in the system that is commensurate with the average investment made by existing customers. It divides the cost of the existing system by the number of customer/capacity units that the existing system can serve. This approach is most appropriate for mature systems with relatively little growth.

- ***"System Expansion" Approach:*** Most applicable in rapidly growing systems with major expansion needs, this approach determines the charge in a manner comparable to impact fee methods used in Washington State. It identifies the cost of future capital projects that expand system capacity to serve growth, allocating those costs solely to growth.

- ***"Buy-In Plus Growth" Approach:*** Effectively a combination of the "system buy-in" and "system expansion" approaches, this approach charges growth for a proportionate share of the cost of existing infrastructure and future capital projects that expand capacity to serve growth.

- ***"Average Cost" Approach:*** This approach recognizes that the utility has invested and will continue to invest in the system to benefit all customers, whether they have already connected or will do so in the future. It divides the total cost of existing assets and planned future projects by the total customer/capacity units that the system will be able to serve.

While the City has some flexibility to define an equitable share of system costs, it should follow a rational approach to consistently determine and implement cost-based charges. This analysis calculated SPFs using the "buy-in plus growth" and "average cost" approaches, which are most commonly used to set connection charges in Washington State.

I.B.1. Existing Cost Basis

The existing cost basis includes the cost of existing facilities of general system benefit, such as storage reservoirs, transmission mains, and pump stations. It intends to recognize the net investment made in existing system assets by ratepayers, and includes the following components:

- ***Original Cost of Existing Assets:*** RCW 35.92.025 authorizes cities to impose "such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system." This includes the documented (non-depreciated) cost of utility assets. The Washington State Supreme Court's decision in *Boe v. Seattle* limits this cost to original/actual cost and precludes utilities from using current replacement costs as the basis for setting SPFs.

- ***Plus – Interest Accrued on Existing Assets:*** RCW 35.92.025 allows the SPF to include "interest charges applied from the date of construction of the water or sewer system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the city or town at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect but not to exceed ten percent per year."

- ***Plus – Construction in Progress:*** The existing cost basis can also include construction in progress, investments that the City has made in infrastructure that are neither booked as assets (having not yet been placed in service) nor included in its forward-looking capital improvement plan.

- ***Less – Contributed Assets:*** To be conservative, this analysis reflects the more stringent standard that RCW 57.08.005 (11) imposes on connection charges for special-purpose districts – specifically, the existing cost basis excludes assets that were donated or paid for by grants.

- ***Less – Utility-Funded Meters & Services:*** Recognizing that new development will generally have to pay for the meters and service lines for their properties, the cost basis does not include investments that the City has made in other customers' meters and service lines.

- ***Less – Net Outstanding Debt Principal:*** Though not explicitly required by law, this analysis deducts the outstanding principal balance of the City's water and sewer utility debt (net of available cash and investments) to avoid double charging growth for assets that they will pay for through rates.

- ***Less – Provision for Asset Retirements:*** Specific to the "average-cost" SPF calculation, this adjustment estimates and deducts the cost of existing assets being replaced by the planned capital projects. It intends to avoid double charging customers for an asset and its replacement.

I.B.2. Future Cost Basis

The future cost basis includes costs associated with planned future capital projects, of which there are three main types:

- Projects that repair or replace existing infrastructure, which are most often needed because existing facilities have deteriorated due to use by existing customers. The "buy-in plus growth" approach excludes these projects as they are unrelated to growth; the "average cost" method includes them in the cost basis but adjusts the existing cost basis as discussed above to avoid double charging customers for existing assets and their replacement.

- Projects upgrading the level of service for all customers to comply with regulatory requirements imposed by State/Federal agencies. The "buy-in plus growth" approach can either exclude these costs as not being directly related to growth or include the share of these costs that is attributable to growth. The "average cost" method includes these project costs in the future cost basis.

- Projects that increase system capacity to serve growth and would generally not be needed in the absence of growth. Both the "buy-in plus growth" and "average cost" approaches include these costs in the future cost basis.

Consistent with the methodology outlined for the existing cost basis, the future cost basis excludes:

- Costs that the City anticipates funding through grants or developer contributions (especially if those projects are contingent on receiving such funding)

- Costs of installing/replacing meters and service lines

I.B.3. Functionalization of Cost Basis

The water and sewer SPF calculations reflect a functionalization of allocable costs to improve equity.

Functionalization of Water SPF

The water SPF includes separate charges for water service and fire protection. The fire protection charge is based on an allocation of costs to fire protection, including both direct facilities (e.g. hydrants) and the oversizing of other facilities (e.g. mains, pumps, reservoirs) to accommodate fire flow. It is weighted to reflect each customer class' applicable fire flow requirement and is the basis for class-specific water SPFs. This analysis allocates costs between the two cost bases by general asset category, based on the following principles:

- **Supply & Treatment:** Wells and other supply assets are not attributed to fire protection.

- **Pumping:** Booster pump stations and other pumping-related assets are allocated based on an allocation of pumping facilities between fire protection and supply capacity. Table 5.5 of the City's 2017 Water System Plan shows that the total firm capacity of the City's booster stations is 1,860 gallons per minute (gpm); Table 5.4 of the 2017 WSP indicates that 130 gpm, or 6.99% of the total firm capacity is needed for fire storage replenishment.

- **Storage:** The allocation of the City's reservoirs to fire protection is based on an inventory of storage capacity outlined in the 2017 WSP, summarized in **Table 2**:

Table 2: Functional Allocation of Storage Capacity

Storage Function	Storage Capacity	Fire Protection Share
Operational Storage	233,226 gallons	0.00%
Equalizing Storage	20,374 gallons[1]	0.00%
Fire Suppression Storage	540,000 gallons	100.00%
Standby Storage	133,500 gallons[2]	0.00%
Total	**927,100 gallons**	**58.25%**

[1]Based on the difference between total storage above 30 psi (253,600 gallons) and operational storage.

[2]Based on the difference between total standby storage (673,500 gallons) and fire suppression storage, which is nested in the total standby storage capacity.

Table 2 indicates that based on a weighted average of storage capacity, 58.25% of the cost of the City's reservoirs is allocable to fire protection.

- **Transmission & Distribution:** The City sized its transmission and distribution system to meet peak water demands and accommodate the required level of fire flow. Not all mains are oversized for fire flow, however – mains that are too small (e.g. appurtenance piping) do not have the capacity for fire flow, and the City's largest mains are generally supply transmission mains that are not explicitly sized for fire flow. In the latter case, the water used for fire protection comes

from the City's reservoirs. This analysis assumes that if the City did not have to provide fire protection,

- 8" mains could be 6" mains
- 10" mains could be 8" mains
- 12" mains could be 10" mains

This analysis estimates the fire protection share of mains based on estimated replacement cost, as shown below in **Table 3**:

Table 3: Functional Allocation of Water Mains

Diameter	Length	Replacement Cost per LF[1]	Estimated Replacement Cost	Fire Protection Share
< 4" Mains	5,753 LF	$236	$ 1,357,684	0.00%
4" Mains	25,683 LF	$256	6,574,848	0.00%
6" Mains	35,482 LF	$276	9,793,032	0.00%
8" Mains	144,335 LF	$296	40,994,599	7.04%
10" Mains	8,458 LF	$316	2,672,728	6.33%
12" Mains	40,450 LF	$335	13,550,750	5.67%
Hydrants[2]			1,161,702	100.00%
Meters & Services[3]			566,859	0.00%
Total	**260,161 LF**		**$76,672,202**	**6.50%**

[1]Based on data from Table 9.1 of the 2017 WSP; values extrapolated for mains smaller than 6" in diameter.

[2]Estimated replacement cost of 360 hydrants at a cost of $3,227 per hydrant. The cost per hydrant was estimated at $2,500 in 2009 dollars and escalated to 2018 values using the ENR Construction Cost Index. This value is separated out of the estimated replacement cost of 8" mains.

[3]Estimated replacement cost of 2,928 meter and service equivalents (MSEs) at a cost of $194 per MSE. The cost per MSE was estimated at $150 in 2009 dollars and escalated to 2018 values using the ENR CCI. This value is separated out of the estimated replacement cost of 8" mains.

In **Table 3**, the fire protection share is based on the incremental replacement cost of mains that are oversized to provide fire flow. For example, **Table 3** indicates a total length of 144,335 LF of 8" mains in the City's system (Winslow and Rockaway Beach combined). Based on the estimated unit cost of 10" mains ($316 per LF), the estimated replacement cost of the City's 10" mains is $2,672,728. Without fire flow, this analysis assumes that these mains could be 8" mains with a replacement cost of $2,503,568 (at $296 per LF). The difference between these two estimates, $169,160, represents 6.33% of the total estimated replacement cost of the City's 10" mains and the portion allocated to fire protection.

Based on the assumptions and other data outlined above, this analysis assigns 6.50% of the cost of the City's water mains to fire protection.

- **Meters & Services:** Recognizing that new customers will pay for their own meters and service lines, this analysis excludes the historical and planned investments in these facilities.
- **Hydrants:** As hydrants are predominantly attributable to fire protection, this analysis assigns the total cost of these facilities to fire protection.

- **General/Other:** This analysis includes general plant-in-service in the cost basis but does not allocate any of these assets to fire protection on the grounds that they are not directly attributable to fire suppression or the related oversizing of other system components.

Functionalization of Sewer SPF

The sewer SPF includes separate charges for collection and treatment. The recommended methodology applies the collection charge to development in the Winslow and South Island service areas; because the City's wastewater treatment facilities only serve Winslow, the treatment charge does not apply to South Island development (which would continue to pay any charges imposed by Kitsap County Sewer District No. 7).

I.B.4. Customer Base

Given that the City's customers can impose significantly different demands on the water and sewer system, the calculation uses the concept of equivalent residential units (ERUs) to standardize the customer base. Under the recommended methodology, the applicable customer base consists of both existing customers and projected growth for the purpose of defining an equitable cost per ERU. Note that existing customers have already paid the applicable SPFs and will pay for a proportionate share of any future costs through water rates.

Water Customer Base

The water SPF calculation defines ERUs based on meter equivalents (MEs), which quantify the maximum continuous flow capacity of each service connection. The general methodology for estimating the water customer base included two steps:

1. ***Estimating the existing customer base using current customer data.***

To assign MEs to various connection sizes, this analysis uses a meter equivalency scale published by the American Water Works Association (3/4" × 3/4" standard). **Table 4** summarizes the City's existing water customer base:

Table 4: Existing Water Customer Base (2018)

Meter Size	No. of MEs	Single-Family	Multi-Family	Commercial	Irrigation	Other	Rockaway Beach	Total
5/8" × 3/4"	0.67	54		21	1			76
3/4" × 3/4"	1.00	2,026	18	109	39	1	66	2,260
1"	1.67	51	16	52	11	3	2	135
1-1/2"	3.33	7	24	23	9			63
2"	5.33		38	34	7		1	80
3"	10.67		3	3	1	1		8
4"	16.67		1	1				2
6"	33.33							0
Total Meters		2,139	100	242	69	5	69	2,624
Total MEs		2,171	377	513	139	16	75	3,292
Fire Flow Req.		1,000 gpm	1,500 gpm	1,500 gpm	0 gpm	1,500 gpm	1,000 gpm	
Fire-Weighted MEs		2,171	566	769	0	25	75	3,606

Based on the information presented in **Table 4**, the existing customer base for the water SPF calculation (excluding the fire protection component) includes 3,292 MEs. The customer base for the fire protection component of the SPF is based on this information as well, but reflects a weighting for applicable fire flow requirements.

- For single-family customers, this weighting factor is 1.00 since 1,000 gpm is the "base" level of fire flow.
- Irrigation meters are not assigned MEs for the purpose of the fire protection component of the SPF, as there is no applicable fire flow requirement.
- For other customers, this weighting factor is 1.50 to recognize the higher fire flow requirement (1,500 gpm vs. 1,000 gpm).

In aggregate, the existing customer base for the fire protection component of the SPF includes 3,606 weighted MEs.

2. Using projections from the 2017 WSP to estimate future growth.

The projection of future ME growth is based on expected growth in demand-based ERUs. Section 3.2.4 of the 2017 WSP indicates that the average consumption per single-family home is 152 gallons per day. With a projected 2018 annual water consumption of 328,886 ccf (based on actual 2017 customer data with an adjustment for assumed growth), this assumption equates to 4,434 demand-based ERUs.

Under the medium demand forecast shown in Table 3.11 of the WSP, the ERU capacity used in the system analysis is 7,641 ERUs – this represents cumulative growth of 72.3% over the existing ERU estimate. While ERUs and MEs do not directly equate to each other, this analysis assumes that they growth together proportionately. Applying the 72.3% growth adjustment to the ME counts provided in **Table 4** results in estimates of 5,673 MEs (72.3% growth over 3,292 MEs, or 2,381 additional MEs) and 6,214 fire-weighted MEs (72.3% growth over 3,606 MEs, or 2,608 additional MEs) by 2035. Note that the SPF calculation reflects projected growth over the full planning period contemplated in the WSP, recognizing that the projects identified in the 2019 – 2024 CIP will benefit growth occurring beyond the next five years.

Sewer Customer Base

Because water meter size is not as good of an indicator of sewer flows as it is of potential water demand, the sewer customer base is derived from ERU estimates provided by the City. Specifically, the City has indicated future projections of 5,588 ERUs for the Winslow area and 423 ERUs for the South Island area. The collection portion of the sewer SPF uses the combined total of 6,011 ERUs; because the treatment portion of the sewer SPF only applies in the Winslow area, it only includes the ERU capacity for the Winslow area.

I.C. SPF CALCULATIONS

Table 5 summarizes the updated SPF calculation for each alternative:

Table 5: Alternatives for Calculating Updated SPF per ME/ERU[1]

Calculation of Water SPF per Meter Equivalent (ME)	Average Cost Method			Buy-In Plus Growth Method		
	Fire	Other	Total	Fire	Other	Total
Existing Facility Cost Basis	$2,114,439	$22,199,596	$24,314,034	$2,123,111	$22,581,776	$24,704,887
Number of MEs	6,214	5,673		6,214	5,673	
Existing Facility Charge per ME	**$340**	**$3,913**	**$4,254**	**$341**	**$3,981**	**$4,322**
Future Facility Cost Basis	$2,064,197	$6,369,803	$8,434,000	$1,999,403	$4,010,261	$6,009,664
Number of MEs	6,214	5,673		2,608	2,381	
Future Facility Charge per ME	**$332**	**$1,123**	**$1,455**	**$767**	**$1,684**	**$2,451**
Total Water SPF per ME	**$672**	**$5,036**	**$5,709**	**$1,108**	**$5,665**	**$6,774**

Calculation of Sewer SPF per Equivalent Residential Unit (ERU)	Average Cost Method			Buy-In Plus Growth Method		
	Collection	Treatment	Total	Collection	Treatment	Total
Existing Facility Cost Basis	$14,052,669	$23,138,908	$37,191,577	$15,129,889	$23,386,195	$38,516,084
Number of ERUs	6,011	5,588		6,011	5,588	
Existing Facility Charge per ERU	**$2,338**	**$4,141**	**$6,479**	**$2,517**	**$4,185**	**$6,702**
Future Facility Cost Basis	$8,497,000	$1,650,000	$10,147,000	$654,835	$82,500	$737,335
Number of ERUs	6,011	5,588		971	772	
Future Facility Charge per ERU	**$1,413**	**$295**	**$1,708**	**$675**	**$107**	**$782**
Total Sewer SPF per ERU	**$3,751**	**$4,436**	**$8,187**	**$3,192**	**$4,292**	**$7,484**

The technical appendix includes more detailed calculations supporting the SPFs summarized in **Table 5**. Last updated in 2005, the sewer SPF has increased by 46 – 60% due to the addition of assets and the accrual of interest on existing assets. The water SPF has increased more significantly, due in part to the fact that the current charges have been in place since 1997.

The Bainbridge Island Utility Advisory Committee (UAC) considered both of the alternatives shown in **Table 5**, and opted in favor of the "average cost" method as it is more stable over time and less sensitive to allocations of future projects between existing customers and growth than the "buy-in plus growth" method. **Table 6** provides a schedule of SPFs for the recommended alternative:

Table 6: Recommended Updated System Participation Fees

	Single-Family	Multi-Family	Commercial	Irrigation
Water SPF:				
5/8" Meter	**$3,806**	**$4,030**	**$4,030**	**$3,357**
3/4" Meter	**$5,709**	**$6,045**	**$6,045**	**$5,036**
1" Meter	**$9,515**	**$10,075**	**$10,075**	**$8,394**
1-1/2" Meter	**$19,029**	**$20,150**	**$20,150**	**$16,787**
2" Meter	**$30,447**	**$32,240**	**$32,240**	**$26,860**
3" Meter	**$60,893**	**$64,480**	**$64,480**	**$53,720**
4" Meter	**$95,145**	**$100,750**	**$100,750**	**$83,937**
6" Meter	**$190,291**	**$201,499**	**$201,499**	**$167,875**
Sewer SPF				
Winslow	**$8,187**	**$5,079 per Unit**	**$8,187 per ERU**	
South Island[1]	**$3,751**	**$2,327 per Unit**	**$3,751 per ERU**	

[1]South Island connections also pay charges from KCSD #7, which vary from $1,600 to $10,330 depending on location and whether or not the property has a reservation number.

It is worth noting that with the updated methodology relying on an allocation of costs to fire protection as the sole means of establishing class-specific SPFs, the charges applicable to classes other than single-family residential actually decrease relative to the existing structure. However, because the single-family SPFs are increasing and most of the expected growth is in the single-family class, the City would still see a net increase in SPF revenue under the recommended charges.

The recommended sewer SPF structure includes two components: a treatment component for capacity at the Winslow Wastewater Treatment Plant, and a collection component for capacity in the City's sewer mains and lift stations. Under this structure, development in the South Island area would only pay the collection portion of the SPF since Kitsap County Sewer District No.7 provides wastewater treatment service there. The City's current sewer SPF does not apply in the South Island area to recognize that development there is subject to the charges imposed by Kitsap County Sewer District No. 7 – however, it is appropriate for the City to recover an equitable share of the cost of its conveyance infrastructure from development.

APPENDIX – SPF CALCULATIONS

City of Bainbridge Island
Water Rate & SPF Study
SPF Calculations

	System Participation Fee - Average Cost Method								Fire Connection Charge
	Supply & Treatment	Pumping	Storage	Transmission & Distribution	Meters & Services	Hydrants	General	Total	
Existing System									
Plant-in-Service	$ 4,753,346	$ 8,993	$ 1,302,129	$ 11,746,559	$ -	$ 54,862	$ 1,524,323	$ 19,390,212	
plus: Construction Work In Progress	4,371	-	15,324	30,092	-	-	1,591	51,377	
less: Contributed Assets	(373,746)	(707)	(102,384)	(2,868,754)	-	(4,314)	(426,285)	(3,776,190)	
less: Utility-Funded Meters & Services					-			-	
less: Provision for Retirement of Existing Assets	(275,647)	-	(4,847)	(89,946)		-	(20,413)	(390,853)	
plus: Interest Accrued on Utility-Funded Assets	2,697,869	3,935	731,556	5,066,417		29,103	510,608	9,039,488	
less: Outstanding Debt Principal Net of Available Cash								-	
Net Existing Cost Basis	**$ 6,806,192**	**$ 12,221**	**$ 1,941,778**	**$ 13,884,368**	**$ -**	**$ 79,652**	**$ 1,589,824**	**$ 24,314,034**	***$ 2,114,439***
Future System									
7-Year Capital Improvement Program (Uninflated)	$ 2,912,000	$ -	$ 3,330,000	$ 1,916,000	$ -	$ -	$ 276,000	$ 8,434,000	
less: Grants/Contributions	-	-	-	-	-	-	-	-	
less: Utility-Funded Meters & Services					-			-	
Net Future Cost Basis	**$ 2,912,000**	**$ -**	**$ 3,330,000**	**$ 1,916,000**	**$ -**	**$ -**	**$ 276,000**	**$ 8,434,000**	***$ 2,064,197***
Total System									
Total Cost Basis (Existing + Future)	$ 9,718,192	$ 12,221	$ 5,271,778	$ 15,800,368	$ -	$ 79,652	$ 1,865,824	$ 32,748,034	
Reallocation of Net Cost Basis to Fire Connection Charge	-	(854)	(3,070,607)	(1,027,522)	-	(79,652)	-	(4,178,636)	*$ 4,178,636*
Net Cost Basis	**$ 9,718,192**	**$ 11,367**	**$ 2,201,170**	**$ 14,772,846**	**$ -**	**$ -**	**$ 1,865,824**	**$ 28,569,399**	**$ 4,178,636**
Share Allocable to Fire Protection (per Functional Asset Allocation)	*0.00%*	*6.99%*	*58.25%*	*6.50%*	*0.00%*	*100.00%*	*0.00%*		
Customer Base									
Existing Meter Capacity Equivalents (MCEs)	3,292	3,292	3,292	3,292	3,292	3,292	3,292	3,292	3,606
Growth	2,381	2,381	2,381	2,381	2,381	2,381	2,381	2,381	2,608
Total Number of MCEs	5,673	5,673	5,673	5,673	5,673	5,673	5,673	5,673	6,214
Total Charge Per MCE	**$ 1,713**	**$ 2**	**$ 388**	**$ 2,604**	**$ -**	**$ -**	**$ 329**	**$ 5,036**	**$ 672**
Existing SPF								$ 2,754	
Difference								***$ 2,282***	

City of Bainbridge Island
Water Rate & SPF Study
SPF Calculations

	System Participation Fee - Buy-In Plus Growth								Fire Connection Charge
	Supply & Treatment	Pumping	Storage	Transmission & Distribution	Meters & Services	Hydrants	General	Total	
Existing System									
Plant-in-Service	$ 4,753,346	$ 8,993	$ 1,302,129	$ 11,746,559	$ -	$ 54,862	$ 1,524,323	$ 19,390,212	
plus: Construction Work In Progress	4,371	-	15,324	30,092	-	-	1,591	51,377	
less: Contributed Assets	(373,746)	(707)	(102,384)	(2,868,754)	-	(4,314)	(426,285)	(3,776,190)	
less: Utility-Funded Meters & Services	-	-	-	-	-	-	-	-	
less: Provision for Retirement of Existing Assets	-	-	-	-		-	-	-	
plus: Interest Accrued on Utility-Funded Assets	2,697,869	3,935	731,556	5,066,417	-	29,103	510,608	9,039,488	
less: Outstanding Debt Principal Net of Available Cash	-	-	-	-	-	-	-	-	
Net Existing Cost Basis	**$ 7,081,839**	**$ 12,221**	**$ 1,946,625**	**$ 13,974,314**	**$ -**	**$ 79,652**	**$ 1,610,237**	**$ 24,704,887**	***$ 2,123,111***
Future System									
7-Year Capital Improvement Program (Uninflated)	$ 1,274,792	$ -	$ 3,283,575	$ 1,335,463	$ -	$ -	$ 115,834	$ 6,009,664	
less: Grants/Contributions	-	-	-	-	-	-	-	-	
less: Utility-Funded Meters & Services					-			-	
Net Future Cost Basis	**$ 1,274,792**	**$ -**	**$ 3,283,575**	**$ 1,335,463**	**$ -**	**$ -**	**$ 115,834**	**$ 6,009,664**	***$ 1,999,403***
Total System									
Total Cost Basis (Existing + Future)	$ 8,356,631	$ 12,221	$ 5,230,200	$ 15,309,777	$ -	$ 79,652	$ 1,726,071	$ 30,714,551	
Reallocation of Net Cost Basis to Fire Connection Charge	-	(854)	(3,046,390)	(995,618)	-	(79,652)	-	(4,122,514)	*$ 4,122,514*
Net Cost Basis	**$ 8,356,631**	**$ 11,367**	**$ 2,183,810**	**$ 14,314,158**	**$ -**	**$ -**	**$ 1,726,071**	**$ 26,592,037**	**$ 4,122,514**
Share Allocable to Fire Protection (per Functional Asset Allocation)	*0.00%*	*6.99%*	*58.25%*	*6.50%*	*0.00%*	*100.00%*	*0.00%*		
Customer Base									
Existing Meter Capacity Equivalents (MCEs)	3,292	3,292	3,292	3,292	3,292	3,292	3,292	3,292	3,606
Growth	2,381	2,381	2,381	2,381	2,381	2,381	2,381	2,381	2,608
Total Number of MCEs	5,673	5,673	5,673	5,673	5,673	5,673	5,673	5,673	6,214
Total Charge Per MCE	**$ 1,784**	**$ 2**	**$ 719**	**$ 2,828**	**$ -**	**$ -**	**$ 333**	**$ 5,665**	**$ 1,108**
Existing SPF									
Difference									

City of Bainbridge Island
Water Rate & SPF Study
Water Asset Inventory

Contributed Assets as of 2008	$ (1,665,049)
LID Assets	$ (1,925,969)
2009 - 2017 Contributions	$ (185,172)

Asset	Plant In Service - Description	Donated	Year	Useful Life	2018 Original Cost	Function	Allocated Donated Assets	Net Utility Funded Assets	Applicable Asset Age	Applicable Interest Rate	Allocable Interest Cost
000909	SAND WELLS		1988	999 Years	$ 40,000	Supply & Treatment	(3,145)	$ 36,855	10	7.68%	$ 28,305
000910	HOB WELLS		1983	999 Years	57,919	Supply & Treatment	(4,554)	53,365	10	9.51%	50,728
000911	LOST PROPERTY - HAYS PROPERTY 1		2001	999 Years	145,354	General	(11,429)	133,925	10	5.15%	69,005
000912	LOST PROPERTY - HAYS PROPERTY 2		2001	999 Years	145,354	General	(11,429)	133,925	10	5.15%	69,005
000913	LOTS A,B,C, SHORT PLAT 502		2001	999 Years	11,600	General	(912)	10,688	10	5.15%	5,507
000914	COOPER CREEK WATERSHED, RIDGE LANE		2001	999 Years	73,738	General	(5,798)	67,940	10	5.15%	35,006
000915	GRAND AVE RESERVOIR		1991	999 Years	18,727	Storage	(1,472)	17,255	10	6.92%	11,940
000916	KNECTEL TANK	Yes	1953	999 Years	206	General	(206)	-	10	2.74%	-
000917	CASELLA SHORT PLAT- BUILDER DONATED LAND	Yes	2006	999 Years	23,060	General	(23,060)	-	10	4.40%	-
000918	THE HAMLET - BUILDER DONATED LAND	Yes	2006	999 Years	8,068	General	(8,068)	-	10	4.40%	-
000919	CASSELLA SHORT PLAT		2007	999 Years	17,100	General	(1,345)	15,755	10	4.40%	6,926
000920	THE HAMLET		2007	999 Years	5,472	General	(430)	5,042	10	4.40%	2,216
000921	HARBOR SQUARE		2007	999 Years	82,800	General	(6,510)	76,290	10	4.40%	33,536
000922	WATER RIGHTS ANALYSIS		2008	999 Years	538	Supply & Treatment	(42)	496	10	4.86%	241
001025	BRANDT PROPERTY/MADRONE LN ESMNT		2003	999 Years	7,500	General	(590)	6,910	10	4.75%	3,281
001022	MOBILE OFFICE TRAILER		1992	20 Years	1,419	General	(112)	1,307	10	6.44%	842
001023	STORAGE BUILDING		1992	20 Years	3,683	General	(290)	3,393	10	6.44%	2,186
001024	PW YARD PAVING		2003	25 Years	1,167	General	(92)	1,075	10	4.75%	511
000923	SAND WELLS & STORAGE TANK #1		1988	67 Years	867,703	Supply & Treatment	(68,226)	799,477	10	7.68%	613,998
000924	SAND RD WELL #2		1991	67 Years	154,702	Supply & Treatment	(12,164)	142,538	10	6.92%	98,637
000925	SANDS RD PUMPHOUSE		1992	20 Years	325,173	Supply & Treatment	(25,568)	299,605	10	6.44%	192,996
000926	ROCKAWAY BCH/TAYLOR AVE WELL		1994	67 Years	872,931	Supply & Treatment	(68,637)	804,294	10	6.18%	497,054
000927	FLETCHER BAY WELL		1994	67 Years	300,000	Supply & Treatment	(23,588)	276,412	10	6.18%	170,822
000928	COMMODORE WELL		1995	67 Years	731,000	Supply & Treatment	(57,477)	673,523	10	5.95%	400,971
000929	TOWN OF WINSLOW WATER SYSTEM		1952	67 Years	100,519	Supply & Treatment	(7,904)	92,616	10	2.39%	22,112
000930	HOB WELL 1 - PUMP UNITS		1953	20 Years	2,200	Supply & Treatment	(173)	2,027	10	2.74%	554
000931	HOB WELL 1 - REDEVELOPED		1973	20 Years	2,350	Supply & Treatment	(185)	2,165	10	5.19%	1,124
000932	HOB WELL 1 - REMODELED PUMP HOUSE		1970	20 Years	2,992	Supply & Treatment	(235)	2,757	10	6.33%	1,744
000933	HOB WELL 1 - WATER PUMPS		1968	20 Years	1,376	Supply & Treatment	(108)	1,268	10	4.45%	564
000934	WELL 1A - CONSTRUCTION		1988	67 Years	13,437	Supply & Treatment	(1,057)	12,380	10	7.68%	9,508
000935	WELL 2 CONSTRUCTION		1971	67 Years	22,500	Supply & Treatment	(1,769)	20,731	10	5.47%	11,349
000936	WELL 2 RECONSTRUCTION		1982	67 Years	27,162	Supply & Treatment	(2,136)	25,027	10	11.66%	29,179
000937	WELL 3 - FROM PUD		1974	67 Years	20,662	Supply & Treatment	(1,625)	19,037	10	6.17%	11,752
000938	WELL 4 CONSTRUCTION		1983	67 Years	15,000	Supply & Treatment	(1,179)	13,821	10	9.51%	13,138
000939	WELL 5 CONSTRUCTION		1983	67 Years	15,000	Supply & Treatment	(1,179)	13,821	10	9.51%	13,138
000940	WELL 5 50HSP PUMP		1983	67 Years	26,545	Supply & Treatment	(2,087)	24,458	10	9.51%	23,250
000941	WELL 6 CONSTRUCTION		1985	67 Years	26,250	Supply & Treatment	(2,064)	24,186	10	9.10%	22,019
000942	WELL 6 40HSP CENTRIFUGAL PUMP		1997	20 Years	4,982	Supply & Treatment	(392)	4,590	10	5.52%	2,535
000943	WELL 6 PUMP REPLACEMENT		1997	20 Years	3,444	Supply & Treatment	(271)	3,173	10	5.52%	1,752
000944	HIGH SCHOOL TANK		1990	67 Years	486,337	Storage	(38,240)	448,097	10	7.27%	325,953
000945	HIGH SCHOOL TANK CLEANED & PAINTED		1993	10 Years	42,880	Storage	(3,372)	39,508	10	5.60%	22,115
000946	HIGH SCHOOL TANK IMPROVEMENTS		2000	10 Years	5,646	Storage	(444)	5,202	10	5.71%	2,970
000947	HIGH SCHOOL TANK IMP PROJECT		1977	67 Years	252,868	Storage	(19,883)	232,985	10	5.68%	132,394
000948	HIGH SCHOOL TANK '93 CLN & PNT		1993	10 Years	45,014	Storage	(3,539)	41,475	10	5.60%	23,215
000949	KNECHTEL TANK BUILD 1952		1952	67 Years	9,619	Storage	(756)	8,863	10	2.39%	2,116
000950	KNECHTEL TANK REBUILD 1979		1979	67 Years	84,801	Storage	(6,668)	78,133	10	6.52%	50,917
000951	KNECHTEL TANK CLN & PNT		1993	10 Years	19,434	Storage	(1,528)	17,906	10	5.60%	10,023
000952	CHERRY/GRAND TANK		1979	67 Years	84,801	Storage	(6,668)	78,133	10	6.52%	50,917
000953	CHERRY/GRAND CLN & PNT & REFURB		1993	10 Years	42,017	Storage	(3,304)	38,713	10	5.60%	21,670
000954	CHERRY/GRND POTLATCH LN WTR TIE IN		1995	67 Years	9,987	Storage	(785)	9,202	10	5.95%	5,478
000955	LOW ZONE RESERVOIR TANK DESIGN		2002	67 Years	3,538	Storage	(278)	3,260	10	5.04%	1,642
000956	HIGH SCHOOL RD WTR TRANSMISSION		1997	67 Years	92,308	Transmission & Distribution	(7,258)	85,050	10	5.52%	46,969
000957	WTR TRNS WVR RD/WYATT MAIN EXT		1997	67 Years	23,471	Transmission & Distribution	(1,845)	21,625	10	5.52%	11,943
000958	WTR TRNS MADISON/SPORTSMAN		1997	67 Years	148,216	Transmission & Distribution	(11,654)	136,562	10	5.52%	75,416
000959	WTR TRNS SHEPARD WAY		1997	67 Years	5,682	Transmission & Distribution	(447)	5,235	10	5.52%	2,891
000960	NAVY HOUSING WTR MAIN		1998	67 Years	173,836	Transmission & Distribution	(13,668)	160,167	10	5.09%	81,538
000961	NEW BROOKLYN WTR MAIN		1993	67 Years	89,665	Transmission & Distribution	(7,050)	82,615	10	5.60%	46,244
000962	WINSLOW MANOR WTRLINE		1992	67 Years	20,188	Transmission & Distribution	(1,587)	18,601	10	6.44%	11,982
000963	FLUORIDATION/CHLORINATION SYSTEM		1997	20 Years	103,200	Supply & Treatment	(8,114)	95,086	10	5.52%	52,511
000964	LOVELL AVE WTRMN REPLAC. & PRV		1994	67 Years	137,533	Transmission & Distribution	(10,814)	126,719	10	6.18%	78,312

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Asset	Plant In Service - Description	Donated	Year	Useful Life	2018 Original Cost	Function	Allocated Donated Assets	Net Utility Funded Assets	Applicable Asset Age	Applicable Interest Rate	Allocable Interest Cost
000965	WTR TRNS SANDS TO NEW BROOKLYN		1993	67 Years	802,000	Transmission & Distribution	(63,060)	738,941	10	5.60%	413,622
000966	SANDS RD FIRE HYDRANT		1996	67 Years	54,862	Hydrants	(4,314)	50,549	10	5.76%	29,103
000967	LID 16 VALLEY VUE WTRL	Yes	1993	67 Years	58,111	Transmission & Distribution	(58,111)	-	10	5.60%	-
000968	LID 13 HIGH SCHOOL RD	Yes	1995	67 Years	317,465	Transmission & Distribution	(317,465)	-	10	5.95%	-
000969	LID 14 YEOMALT WTRLINE	Yes	1991	67 Years	150,724	Transmission & Distribution	(150,724)	-	10	6.92%	-
000970	LID 15 ALDER AVE IMPR	Yes	1995	67 Years	83,470	Transmission & Distribution	(83,470)	-	10	5.95%	-
000971	LID 19 COMMODORE LN WT	Yes	1999	67 Years	190,819	Transmission & Distribution	(190,819)	-	10	5.43%	-
000972	LID 17 ROCKAWAY BCH WT	Yes	1995	67 Years	1,125,380	Transmission & Distribution	(1,125,380)	-	10	5.95%	-
000973	LOWER MADISON BRIEN BJUNE		1999	67 Years	72,389	Transmission & Distribution	(5,692)	66,697	10	5.43%	36,200
000974	FERNCLIFF AVE RECONSTRUCTION		2002	67 Years	24,552	Transmission & Distribution	(1,930)	22,621	10	5.04%	11,396
000975	MADISON AVE WATER LINE		2002	67 Years	19,181	Transmission & Distribution	(1,508)	17,673	10	5.04%	8,903
000976	FLETCHER BAY WATERMAIN EXT		2002	67 Years	20,213	Transmission & Distribution	(1,589)	18,624	10	5.04%	9,382
000977	WELLHEAD PROTECTION ROCKAWAY BCH		2002	67 Years	60,061	Transmission & Distribution	(4,722)	55,339	10	5.04%	27,877
000978	WELLHEAD PROTECTION HIGH SCHOOL RD		2002	67 Years	34,607	Transmission & Distribution	(2,721)	31,886	10	5.04%	16,062
000979	MISC PAYROLL COSTS CHARGED TO WATER		2002	67 Years	4,859	Transmission & Distribution	(382)	4,477	10	5.04%	2,255
000980	WATER PIPE TOTAL LINEAR FEET		1990	66 Years	4,975,540	Transmission & Distribution	(391,217)	4,584,324	10	7.27%	3,334,713
000981	SECURITY FENCING AT WELL SITES		2003	20 Years	22,245	Supply & Treatment	(1,749)	20,496	10	4.75%	9,732
000982	SUB PUMP FOR TAYLOR WELL		2003	20 Years	8,993	Pumping	(707)	8,286	10	4.75%	3,935
000983	FLETCHER BAY/SANDS WELL UPGRADE		2003	67 Years	18,889	Supply & Treatment	(1,485)	17,404	10	4.75%	8,264
000984	ERICKSEN AVE WATER MAIN		2003	67 Years	231,892	Transmission & Distribution	(18,233)	213,659	10	4.75%	101,452
000985	HIGH SCHOOL RD SEISMIC REFIT/UPGRD		2003	67 Years	22,152	Storage	(1,742)	20,411	10	4.75%	9,692
000986	WATER PIPE ($ COST OF TOTAL LINEAR FEET)		2004	67 Years	125,973	Transmission & Distribution	(9,905)	116,068	10	4.68%	54,291
000987	SUNDAY COVE FORCEMAIN/WATERLINE EXTENSN		2004	67 Years	34,758	Transmission & Distribution	(2,733)	32,025	10	4.68%	14,980
000988	COOPER CREEK FISH ENHANCEMENT WATER LINE		2004	67 Years	15,163	Transmission & Distribution	(1,192)	13,971	10	4.68%	6,535
000989	WING PT./FAIRVIEW WATER MAIN		2004	67 Years	86,858	Transmission & Distribution	(6,829)	80,028	10	4.68%	37,433
000990	IRENE PL. WATER MAIN		2004	67 Years	44,366	Transmission & Distribution	(3,488)	40,878	10	4.68%	19,121
000991	H.S. ROAD IMPR.		2004	67 Years	90,604	Transmission & Distribution	(7,124)	83,480	10	4.68%	39,048
000992	ERICKSEN AVENUE IMPROVEMENTS		2004	67 Years	158,773	Transmission & Distribution	(12,484)	146,289	10	4.68%	68,427
000993	SANDS AVENUE WELL #1		2005	67 Years	45,828	Supply & Treatment	(3,603)	42,225	10	4.40%	18,568
000994	HEAD OF THE BAY WELL REHAB		2005	67 Years	88,174	Supply & Treatment	(6,933)	81,241	10	4.40%	35,726
000995	MADISON AVE/305 LIGHT INSTALL		2005	67 Years	6,940	General	(546)	6,394	10	4.40%	2,812
000996	CASELLA SHRT PLAT-TAPPING TEE, FIRE HYDR	Yes	2006	67 Years	53,000	General	(53,000)	-	10	4.40%	-
000997	THE HAMLET - GATE VALVE, FIRE HYDRANT	Yes	2006	67 Years	6,800	General	(6,800)	-	10	4.40%	-
000998	TELEMETRY MASTER RELOCATION		2007	10 Years	133,541	General	(10,500)	123,041	10	4.40%	54,087
000999	FLETCHER BAY WELL TELEMETRY PR00251		2007	10 Years	26,947	Supply & Treatment	(2,119)	24,828	10	4.40%	10,914
001000	HOB SHGS PURCHASE AND INSTALL PR 00268		2007	20 Years	51,771	Supply & Treatment	(4,071)	47,700	10	4.40%	20,968
001001	ALLIANCE PROJECT	Yes	2007	67 Years	37,118	General	(37,118)	-	10	4.40%	-
001002	CASSELLA SHORT PLAT	Yes	2007	67 Years	53,000	General	(53,000)	-	10	4.40%	-
001003	THE HAMLET	Yes	2007	67 Years	6,800	General	(6,800)	-	10	4.40%	-
001004	HARBOR SQUARE	Yes	2007	67 Years	73,853	General	(73,853)	-	10	4.40%	-
001005	MADISON SQUARE N	Yes	2007	67 Years	54,656	General	(54,656)	-	10	4.40%	-
001006	PIERCE CORNER	Yes	2007	67 Years	16,020	General	(16,020)	-	10	4.40%	-
001007	WATER MAINS UPGRADE - ANNUAL		2008	67 Years	1,526	Transmission & Distribution	(120)	1,406	10	4.86%	683
001008	MADRONE VILLAGE WATER MAIN		2008	67 Years	17,261	Transmission & Distribution	(1,357)	15,904	10	4.86%	7,731
001009	HOB WELL PHASE 2 DESIGN PR 00175		2008	67 Years	58,578	Supply & Treatment	(4,606)	53,972	10	4.86%	26,235
001010	HOB WELL PHASE III PR 00250		2008	67 Years	317,179	Supply & Treatment	(24,939)	292,240	10	4.86%	142,053
001011	WEAVER FACILITY RECONSTRUCTION -PR 00362		2008	67 Years	48,646	Supply & Treatment	(3,825)	44,821	10	4.86%	21,787
001012	FLETCHER BAY WELL REHAB/RECONSTC-PR00115		2008	67 Years	90,666	Supply & Treatment	(7,129)	83,537	10	4.86%	40,606
001013	HIGH SCHOOL WATER TANK SAFETY IMPRV		2009	66 Years	80,238	Storage	(6,309)	73,929	9	4.62%	30,745
001014	HIGH SCHOOL RESERVOIR - PR 00252		2010	66 Years	94,070	Storage	(7,397)	86,674	8	4.29%	29,770
001015	TAYLOR AV MEMORIAL/PRITCHARD PARK/NIKKEI		2010	66 Years	76,698	Transmission & Distribution	(6,031)	70,667	8	4.29%	24,272
001016	WW: ERICKSEN TO MADISON		2011	66 Years	1,162,692	Transmission & Distribution	(91,420)	1,071,272	7	4.51%	338,201
001017	WATER TELEMETRY UPGRADE		2011	13 Years	20,805	General	(1,636)	19,169	7	4.51%	6,052
001018	COOPER CREEK WATER MAIN REPAIR		2011	67 Years	111,372	Transmission & Distribution	(8,757)	102,615	7	4.51%	32,396
001019	FLETCHER BAY VFD		2011	67 Years	31,843	Transmission & Distribution	(2,504)	29,339	7	4.51%	9,262
001020	WW PORTION FROM CIP LATE		2011	66 Years	34,545	General	(2,716)	31,829	7	4.51%	10,048
001021	HOB WELL 2 AND 5		2012	66 Years	85,157	Supply & Treatment	(6,696)	78,462	6	3.73%	17,556
001193	WW WATER 2012 CAPITAL EXP		2012	65 Years	27,356	General	(2,151)	25,205	6	3.73%	5,640
001633	MADISON AVE WATER MAIN UPGRADE		2013	66 Years	303,226	Transmission & Distribution	(23,842)	279,384	5	4.27%	59,660
001634	2013 TELEMETRY UPGRADES		2013	10 Years	13,154	General	(1,034)	12,120	5	4.27%	2,588

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					2018						
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001635	FLETCHER BAY WELLHOUSE REPAIR		2013	66 Years	12,700	Supply & Treatment	(999)	11,701	5	4.27%	2,499
001646	GROW DEV-WYATT TO GROW WTR EXT		2013	66 Years	20,700	Transmission & Distribution	(1,628)	19,072	5	4.27%	4,073
001647	GROW DEV-WYATT TO MADISON WTR EXT		2013	66 Years	55,800	Transmission & Distribution	(4,387)	51,413	5	4.27%	10,979
001680	HARRISON URGENT CARE WTR MAIN 8""		2014	66 Years	5,460	Transmission & Distribution	(429)	5,031	4	4.23%	852
001730	WING POINT WAY WATER UPGRADE		2016	66 Years	356,153	Transmission & Distribution	(28,004)	328,149	2	3.25%	21,319
001752	TELEMETRY UPGRADE - WATER		2017	10 Years	66,843	General	(5,256)	61,587	1	3.67%	2,258
001758	GROW PH.2 WATER MAIN IMPR. - DEV DONATED	Yes	2017	66 Years	72,986	Transmission & Distribution	(72,986)	-	1	3.67%	-
001768	WINSLOW GROVE WATER SYSTEM - DEV DONATED	Yes	2017	66 Years	112,185	Transmission & Distribution	(112,185)	-	1	3.67%	-
000002	1991 CHEVY STEPVAN		2003	4 Years	20,062	General	(1,577)	18,485	10	4.75%	8,777
000006	1992 JOHN DEER BACKHOE		1992	10 Years	34,437	General	(2,708)	31,729	10	6.44%	20,439
000008	1994 CHEVY PU		1994	10 Years	26,303	General	(2,068)	24,235	10	6.18%	14,977
000017	1997 CHEVY PU		1997	10 Years	39,618	General	(3,115)	36,503	10	5.52%	20,159
000087	2005 FORD RANGER		2007	10 Years	7,973	General	(627)	7,346	10	4.40%	3,229
000120	CLORINE INJECTION SYSTEMS		1996	10 Years	69,270	Supply & Treatment	(5,447)	63,823	10	5.76%	36,746
000130	GENERATOR-CUMMINS		1997	10 Years	25,065	General	(1,971)	23,094	10	5.52%	12,754
000145	GENERATOR-ONAN/CUMMINS		1996	10 Years	15,409	General	(1,212)	14,197	10	5.76%	8,174
000159	LARGE SANDER ATTACHMENT		2008	10 Years	33,496	General	(2,634)	30,862	10	4.86%	15,002
000165	LOAD-N-GOS		1997	10 Years	9,380	General	(738)	8,642	10	5.52%	4,773
000166	MINI CAMERA SYSTEM		1997	10 Years	11,225	General	(883)	10,342	10	5.52%	5,711
000169	TELEMETRY		1993	10 Years	104,718	General	(8,234)	96,484	10	5.60%	54,007
000170	TELEMETRY-WOODWARD		1996	10 Years	9,700	General	(763)	8,937	10	5.76%	5,146
000228	SURVEY EQUIPMENT WATER		2000	10 Years	15,907	General	(1,251)	14,656	10	5.71%	8,367
000229	CHLORINE TECH CELL		1998	10 Years	8,547	Supply & Treatment	(672)	7,875	10	5.09%	4,009
000230	CHLORINE GENERATOR - SANDS WELL		2001	10 Years	27,585	Supply & Treatment	(2,169)	25,416	10	5.15%	13,096
000231	CHLORMETER & CELLS		1999	10 Years	9,793	Supply & Treatment	(770)	9,023	10	5.43%	4,897
000232	TELEMETRY UPGRADE		2003	10 Years	14,001	General	(1,101)	12,900	10	4.75%	6,125
000233	TELEMETRY UPGRADE		2003	10 Years	7,398	General	(582)	6,817	10	4.75%	3,237
000234	TELEMETRY UPGRADE		2003	10 Years	9,797	General	(770)	9,027	10	4.75%	4,286
000235	TELEMETRY UPGRADE		2003	10 Years	3,748	General	(295)	3,453	10	4.75%	1,640
000236	SANDS WELL FLOWSERVE PUMP		2004	10 Years	8,289	Supply & Treatment	(652)	7,638	10	4.68%	3,572
000237	CHLORINE GENERATOR		2004	10 Years	4,245	Supply & Treatment	(334)	3,911	10	4.68%	1,830
000238	FLETCHER BAY CHLORINE GENERATOR AND KIT		2004	10 Years	8,474	Supply & Treatment	(666)	7,807	10	4.68%	3,652
000239	FLETCHER BAY WELL BOOSTER PUMP		2006	10 Years	12,776	Supply & Treatment	(1,005)	11,772	10	4.40%	5,180
000240	TRUCK EQUIPMENT - WATER		2008	10 Years	5,135	General	(404)	4,731	10	4.86%	2,300
								-			
								-			
								-			
								-			
	Total	**$ 2,443,721**			**$ 19,390,212**		**(3,776,190)**	**15,614,022**			**$ 9,039,488**

	Construction Work In Progress	Donated	Year	Useful Life	Original Cost	Function
00596	SR305/Olympic NM, WW To Hart				$ 14,465	Transmission & Distribution
00708	Wyatt Way - Mad to Lovell Water				13,704	Transmission & Distribution
00815	Rockaway Intertie				1,922	Transmission & Distribution
00814	HOB Emergency Generator				1,591	Supply & Treatment
00816	Wayer System Treatment Improvements				2,780	Supply & Treatment
00817	HS Water Tanks Storage Improvement				15,324	Storage
00904	HS & NB High Zone Water Improvements				1,591	General
	Total				**$ 51,377**	

City of Bainbridge Island
Water Rate & SPF Study
Water Capital Improvement Program

Project Costs and O&M Impacts in Year:	2018

Capital Realization Factor	100%

No	Function	Description	2018	2019	2020	2021	2022	2023	2024	Type of Capital: % Upgrade / Expansion	Type of Capital: % R&R	% Utility Funded
1		**3a Water Prj 2019 CIP**								50%	50%	100%
2	Transmission & Distribution	SR 305 Olympic Drive Non-Motorized Improvements	11,000	164,000						75%	25%	100%
3	Supply & Treatment	Rockaway Intertie	215,000	35,000						100%	0%	100%
4	Transmission & Distribution	Wyatt Way Reconstruction	14,000	136,000						42%	58%	100%
5	Transmission & Distribution	High Zone Improvements	6,000		750,000					100%	0%	100%
6	General	SCADA Upgrades		-						42%	58%	100%
7	Meters & Services	Meter Replacements			-					5%	95%	100%
8	Supply & Treatment	Chlorine Generator Upgrades		250,000						5%	95%	100%
9	Storage	New Storage Tank		1,000,000			2,250,000			100%	0%	100%
10	Transmission & Distribution	Fire Flow Improvements				75,000	350,000			42%	58%	100%
11	Supply & Treatment	Well Development/Rehab						200,000	-	42%	58%	100%
12	Transmission & Distribution	Pipeline Improvements						50,000	300,000	42%	58%	100%
13										50%	50%	100%
14		**Water and Sewer Capital Update as of July 25**								50%	50%	100%
15	Storage	Tank Storage Improvements	80,000							42%	58%	100%
16	Supply & Treatment	Emergency Generator	12,000					40,000	130,000	42%	58%	100%
17	Supply & Treatment	Water Treatment Improvements	30,000					500,000	1,500,000	42%	58%	100%
18	Transmission & Distribution	Cave Avenue Pressure Reducing Station	60,000							100%	0%	100%
19										50%	50%	100%
20		**3c Fleet 2019 CIP**								50%	50%	100%
21	General	Van		49,000						42%	58%	100%
22	General	Light Duty Pick Up		11,000						42%	58%	100%
23	General	SUV		23,000						42%	58%	100%
24	General	Van			14,000					42%	58%	100%
25	General	Medium Duty Pick Up			59,000					42%	58%	100%
26	General	Medium Duty Pick Up				20,000				42%	58%	100%
27	General	Light Duty Pick Up					13,000			42%	58%	100%
28	General	Heavy Duty Pick Up						59,000		42%	58%	100%
29	General	Light Duty Pick Up						14,000		42%	58%	100%
30	General	Light Duty Pick Up							14,000	42%	58%	100%
		Total Capital Projects	**$ 428,000**	**$ 1,668,000**	**$ 823,000**	**$ 95,000**	**$ 2,613,000**	**$ 863,000**	**$ 1,944,000**	**71%**	**29%**	
		Total Upgrade/Expansion Projects	346,328	1,262,412	780,637	39,871	2,402,347	362,192	815,877	6,009,664	2,424,336	
		Total R&R Projects	81,672	405,588	42,363	55,129	210,653	500,808	1,128,123			
		Projects by Grants / Developer Donations	-	-	-	-	-	-	-			
		Projects by Enterprise Fund	428,000	1,668,000	823,000	95,000	2,613,000	863,000	1,944,000			

City of Bainbridge Island
Sewer Rate & SPF Study
SPF Calculations

	System Participation Fee - Average Cost			System Participation Fee - Buy-In + Growth		
	Collection	Treatment	Total	Collection	Treatment	Total
Existing System						
Plant-in-Service	$ 13,910,862	$ 20,299,140	$ 34,210,002	$ 13,910,862	$ 20,299,140	$ 34,210,002
plus: Construction Work In Progress	134,878	-	134,878	134,878	-	134,878
less: Contributed Assets	(2,003,748)	(976,529)	(2,980,277)	(2,003,748)	(976,529)	(2,980,277)
less: Provision for Retirement of Existing Assets	(1,077,219)	(247,288)	(1,324,507)	-	-	-
plus: Interest Accrued on Utility-Funded Assets	4,351,376	7,239,481	11,590,857	4,351,376	7,239,481	11,590,857
less: Outstanding Debt Principal Net of Available Cash	(1,263,480)	(3,175,897)	(4,439,376)	(1,263,480)	(3,175,897)	(4,439,376)
Net Existing Cost Basis	**$ 14,052,669**	**$ 23,138,908**	**$ 37,191,577**	**$ 15,129,889**	**$ 23,386,195**	**$ 38,516,084**
Future System						
7-Year Capital Improvement Program (Uninflated)	$ 8,497,000	$ 1,650,000	$ 10,147,000	$ 654,835	$ 82,500	$ 737,335
less: Grants/Contributions	-	-	-	-	-	-
Net Future Cost Basis	**$ 8,497,000**	**$ 1,650,000**	**$ 10,147,000**	**$ 654,835**	**$ 82,500**	**$ 737,335**
Net Cost Basis	**$ 22,549,669**	**$ 24,788,908**	**$ 47,338,577**	**$ 15,784,723**	**$ 23,468,695**	**$ 39,253,419**
Customer Base						
Number of Existing ERUs	5,040	4,816		5,040	4,816	
Growth	971	772		971	772	
Total Number of ERUs	6,011	5,588		6,011	5,588	
Total Charge Per ERU	**$ 3,751**	**$ 4,436**	**$ 8,187**	**$ 3,192**	**$ 4,292**	**$ 7,484**
Existing SPF			$ 5,123			$ 5,123
Difference			***$ 3,064***			***$ 2,361***

	Net Debt Outstanding			Net Debt Outstanding		
	Collection	Treatment	Total	Collection	Treatment	Total
Total Cash Balances			$ 5,719,622			$ 5,719,622
Outstanding Debt Principal	2,891,327	7,267,671	10,158,999	2,891,327	7,267,671	10,158,999
less: Allocated Cash Balances	(1,627,848)	(4,091,775)	(5,719,622)	(1,627,848)	(4,091,775)	(5,719,622)
Net Debt Principal Outstanding	1,263,480	3,175,897	4,439,376	1,263,480	3,175,897	4,439,376

City of Bainbridge Island
Sewer Rate & SPF Study
Sewer Assets

Contributed Assets as of 2008	$ (1,585,088)
LID Assets	$ (1,238,525)
2009 - 2017 Contributions	$ (156,664)

Asset	Plant In Service - Description	Donated	Year	Useful Life	2018 Original Cost	Function	Service Area	Allocated Donated Assets	Net Utility Funded Assets	Applicable Asset Age	Applicable Interest Rate	Allocable Interest Cost
001026	PUMPING STATIONS - 1990		1990	999 Years	$ 5,711	Pumping	Common	$ (275)	$ 5,437	10	7.27%	$ 3,955
001027	PUMPING STATIONS - 1974		1974	999 Years	413,250	Pumping	Common	(19,880)	393,370	10	6.17%	242,840
001028	PUMPING STATIONS - 1977		1977	999 Years	60	Pumping	Common	(3)	57	10	5.68%	32
001029	SEWER TREATMENT PLANT		1952	999 Years	1,500	Treatment	Common	(72)	1,428	10	2.39%	341
001030	PARCEL #1 213 WING POINT ESMT		1977	999 Years	10,000	Collection	Common	(481)	9,519	10	5.68%	5,409
001031	PW YARD LAND		1999	999 Years	343,397	General	Common	(16,520)	326,877	10	5.43%	177,413
001032	NO DESCRIPTION		1973	999 Years	30,975	General	Common	(1,490)	29,485	10	5.19%	15,300
001033	BRANDT PROPERTY/MADRONE LN ESMNT		2003	999 Years	7,500	General	Common	(361)	7,139	10	4.75%	3,390
001034	CASELLA SHORT PLAT -BUILDER DONATED LAND	Yes	2006	999 Years	2,806	General	Common	(2,806)	-	10	4.40%	-
001035	CASELLA SHORT PLAT	Yes	2007	999 Years	2,100	General	Common	(2,100)	-	10	4.40%	-
001036	SOUTH ISLAND SEWER-LID 20-RECORD FEES		2009	999 Years	17,574	Collection	Common	(845)	16,729	9	4.62%	6,957
001037	MOBILE OFFICE TRAILER		1993	20 Years	1,419	General	Common	(68)	1,351	10	5.60%	756
001038	PW YARD PAVING - ALLOCATION		2003	25 Years	1,008	General	Common	(48)	959	10	4.75%	456
001039	WATERFRONT PARK RESTROOMS - PR 00065		2008	66 Years	15,484	General	Common	(745)	14,739	10	4.86%	7,165
001723	2016 WWTP HVAC		2016	25 Years	14,109	Treatment	Common	(679)	13,430	2	3.25%	873
000131	GENERATOR-DETRIOT DIESEL		2006	66 Years	40,000	General	Common	(1,924)	38,076	10	4.40%	16,756
000133	GENERATOR-ISUZU		1994	10 Years	6,000	General	Common	(289)	5,711	10	6.18%	3,530
000134	GENERATOR-JOHN DEERE		2007	20 Years	34,216	General	Common	(1,646)	32,570	10	4.40%	14,317
000135	GENERATOR-JOHN DEERE		2006	10 Years	29,373	General	Common	(1,413)	27,960	10	4.40%	12,305
000136	GENERATOR-JOHN DEERE		2003	10 Years	20,000	General	Common	(962)	19,038	10	4.75%	9,040
000138	GENERATOR-JOHN DEERE		1997	10 Years	25,065	General	Common	(1,206)	23,859	10	5.52%	13,176
000140	GENERATOR-LUGGER		1995	10 Years	6,000	General	Common	(289)	5,711	10	5.95%	3,400
000141	GENERATOR-ONAN/CUMMINS		2003	10 Years	21,415	General	Common	(1,030)	20,384	10	4.75%	9,679
000142	GENERATOR-ONAN/CUMMINS		2002	10 Years	33,303	General	Common	(1,602)	31,701	10	5.04%	15,969
000144	GENERATOR-ONAN/CUMMINS		2000	10 Years	20,000	General	Common	(962)	19,038	10	5.71%	10,869
000146	GENERATOR-YAN MAR		1998	10 Years	18,239	General	Common	(877)	17,362	10	5.09%	8,839
000147	GENERATOR-YAN MAR		1996	10 Years	12,000	General	Common	(577)	11,423	10	5.76%	6,577
000198	2007 KOHLER GENERATOR		2011	25 Years	76,775	General	Common	(3,693)	73,081	7	4.51%	23,072
001040	ORIGINAL SEWER TREATMENT PLANT STRUC		1952	30 Years	52,423	Treatment	Common	(2,522)	49,901	10	2.39%	11,914
001041	LID 3A & 3E CONTRACT 1	Yes	1979	20 Years	528,344	Collection	Common	(528,344)	-	10	6.52%	-
001042	LID 3A EAGLE HARBOR SWR EXT-N.SHORE CONT	Yes	1979	20 Years	105,692	Collection	Common	(105,692)	-	10	6.52%	-
001043	LID 3B CAVE AVENUE SEWER EXTENSION	Yes	1979	20 Years	49,565	Collection	Common	(49,565)	-	10	6.52%	-
001044	LID 3C WILLIAMS EAGLE HARBOR	Yes	1979	20 Years	70,920	Collection	Common	(70,920)	-	10	6.52%	-
001045	LID 3D-F CHERRY PARK&FAIRVIEW AV SWR EXT	Yes	1979	20 Years	188,453	Collection	Common	(188,453)	-	10	6.52%	-
001046	LID 4-WING POINT SEWER EXT	Yes	1979	20 Years	295,551	Collection	Common	(295,551)	-	10	6.52%	-
001047	UPPER HAWLEY LIFT STATION		1959	20 Years	40,350	Treatment	Common	(1,941)	38,409	10	3.56%	13,664
001048	WASTEWATER SEWER TREATMENT PLANT		1977	67 Years	1,508,531	Treatment	Common	(72,571)	1,435,960	10	5.68%	815,984
001049	WASTEWATER SEWER TREATMENT PLANT UPGD		1996	20 Years	2,492,923	Treatment	Common	(119,927)	2,372,996	10	5.76%	1,366,253
001050	HIGH SCHOOL RD SEWER PORTION		1993	67 Years	165,025	Collection	Common	(7,939)	157,086	10	5.60%	87,929
001051	ALDER AVE SEWER UPGRADE		1997	67 Years	63,490	Collection	Common	(3,054)	60,435	10	5.52%	33,375
001052	MADISON AVE SEWER REHAB		1990	67 Years	134,852	Collection	Common	(6,487)	128,365	10	7.27%	93,375
001053	NAVY HOUSING SEWER MAIN UPGRADE		1997	67 Years	6,928	Collection	Common	(333)	6,595	10	5.52%	3,642
001054	COMMODORE SIDE SEWER		1996	67 Years	13,008	Collection	Common	(626)	12,382	10	5.76%	7,129
001055	HIGH SCHOOL RD SEWER EXTENSION		1998	67 Years	27,093	Collection	Common	(1,303)	25,789	10	5.09%	13,129
001056	LYNWOOD CENTER SWR DIST #7		1998	67 Years	772,702	Collection	Common	(37,172)	735,529	10	5.09%	374,446
001057	LYNWOOD CENTER WW PUMP ST (1997)		1997	20 Years	3,243	Pumping	Common	(156)	3,087	10	5.52%	1,705
001058	LYNWOOD CENTER WW PUMP ST (1998)		1998	20 Years	8,085	Pumping	Common	(389)	7,696	10	5.09%	3,918
001059	WINSLOW BOAT LAUNCH PUMPOUT FACILITY		1994	67 Years	60,123	Pumping	Common	(2,892)	57,230	10	6.18%	35,368
001060	EAGLE/IRENE PLACE SANITARY SEWER DESIGN		2000	20 Years	6,870	Pumping	Common	(330)	6,539	10	5.71%	3,733
001061	EAGLE/IRENE PLACE SANITARY SWR CONSTRUC		2001	20 Years	68,688	Pumping	Common	(3,304)	65,384	10	5.15%	33,689
001062	LOWER MADISON BRIEN BJUNE RECONSTRUCTION		1999	67 Years	157,457	Collection	Common	(7,575)	149,882	10	5.43%	81,349
001063	SWR PIPE (HIST COST OF TOTAL LINEAR FT)		2003	67 Years	2,628,691	Collection	Common	(126,458)	2,502,232	10	4.75%	1,188,143
001064	WINSLOW WAY/MADRONE LN SIDE SEWER CONNCT		2003	67 Years	4,730	Collection	Common	(228)	4,503	10	4.75%	2,138
001065	ERICKSEN AVENUE WATER MAIN - PR 147		2003	67 Years	70,255	Collection	Common	(3,380)	66,875	10	4.75%	31,755
001066	SEWER PIPE ($ COST OF TOTAL LINEAR FEET)		2004	67 Years	50,268	Collection	Common	(2,418)	47,850	10	4.68%	22,382
001067	SUNDAY COVE FORCEMAIN/WATERLINE EXTENS		2004	67 Years	69,239	Collection	Common	(3,331)	65,908	10	4.68%	30,828
001068	WWTP EFFLUENT PUMP UPGRADE		2004	20 Years	619,293	Treatment	Common	(29,792)	589,501	10	4.68%	275,739
001069	ERICKSEN AVENUE IMPROVEMENTS		2004	67 Years	68,605	Collection	Common	(3,300)	65,305	10	4.68%	30,546
001070	CASELLA SHORT PLAT - BUILDER DONATED	Yes	2006	67 Years	6,450	Collection	Common	(6,450)	-	10	4.40%	-
001071	SOUTH ISLAND SEWER - LID 20		2006	66 Years	732,662	Collection	Common	(35,246)	697,416	10	4.40%	306,921
001072	HORIZON VIEW - LID 21		2006	66 Years	171,272	Collection	Common	(8,239)	163,033	10	4.40%	71,748
001073	WINERY HYDROMATIC PUMP		2006	67 Years	16,097	Pumping	Common	(774)	15,323	10	4.40%	6,743
001074	SUNDAY COVE PUMP STATION MODIFICATION		2007	20 Years	331,983	Pumping	Common	(15,971)	316,012	10	4.40%	138,914

City of Bainbridge Island
Sewer Rate & SPF Study
Sewer Assets

Contributed Assets as of 2008	$ (1,585,088)
LID Assets	$ (1,238,525)
2009 - 2017 Contributions	$ (156,664)

Asset	Plant In Service - Description	Donated	Year	Useful Life	2018 Original Cost	Function	Service Area	Allocated Donated Assets	Net Utility Funded Assets	Applicable Asset Age	Applicable Interest Rate	Allocable Interest Cost
001075	TELEMETRY MASTER RELOCATION		2007	10 Years	180,809	General	Common	(8,698)	172,111	10	4.40%	75,657
001076	INFILTRATION & INFLOW REDUCTION		2007	20 Years	21,449	Collection	Common	(1,032)	20,417	10	4.40%	8,975
001077	ALLIANCE		2007	67 Years	8,900	Collection	Common	(428)	8,472	10	4.40%	3,724
001078	CASELLA SHORT PLAT		2007	67 Years	6,450	Collection	Common	(310)	6,140	10	4.40%	2,699
001079	MADISON SQ. NORTH		2007	67 Years	7,685	Collection	Common	(370)	7,315	10	4.40%	3,216
001080	PIERCE CORNER		2007	67 Years	27,125	Collection	Common	(1,305)	25,820	10	4.40%	11,350
001081	WYATT WAY EAGLE/WEAVER NM PR 00057		2007	67 Years	1,916	Collection	Common	(92)	1,824	10	4.40%	802
001082	WWTP EFFLUENT PUMP UPGRADE - PR 00190		2008	67 Years	469,295	Treatment	Common	(22,576)	446,719	10	4.86%	217,143
001083	HEAD OF THE BAY WELL PHASE II - PR 00175		2008	20 Years	27,484	General	Common	(1,322)	26,162	10	4.86%	12,717
001084	LAND ACQ-WWTP CONSTR&STAGING-PR 00229		2008	1 Years	3,070	Treatment	Common	(148)	2,922	10	4.86%	1,420
001085	FT WARD HILL REALIGNMENT - PR 00098		2008	67 Years	36,402	Collection	Common	(1,751)	34,651	10	4.86%	16,843
001086	FORT WARD HILL ROAD GEO STUDY - PR 00264		2008	67 Years	823	Collection	Common	(40)	784	10	4.86%	381
001087	WING PT. SEWER REPAIR - PR 00334		2008	67 Years	4,704	Collection	Common	(226)	4,477	10	4.86%	2,176
001088	GRINDER PUMP & PIPING- TAYLOR FORCE MAIN		2009	66 Years	4,423	Collection	Common	(213)	4,210	9	4.62%	1,751
001089	WWTP IMPROVEMENTS		2011	25 Years	15,087,559	Treatment	Common	(725,816)	14,361,743	7	4.51%	4,534,002
001090	WW: ERICKSEN TO MADISON		2011	66 Years	540,411	Collection	Common	(25,997)	514,413	7	4.51%	162,400
001091	TELEMETRY UPGRADE PROGRAM 2011 ONLY		2011	10 Years	2,741	General	Common	(132)	2,609	7	4.51%	824
001190	WWTP CAPITAL PRJ EXP 2012		2012	24 Years	2,917	Treatment	Common	(140)	2,777	6	3.73%	621
001192	WW SEWER 2012 CAPITAL EXP		2012	65 Years	10,892	Collection	Common	(524)	10,368	6	3.73%	2,320
001674	EAGLE HARBOR BEACH MAINS		2014	66 Years	3,470,111	Collection	Common	(166,936)	3,303,175	4	4.23%	559,227
001707	PORTABLE GENERATOR PLUG LYNWOOD CTR		2015	20 Years	20,064	General	Common	(965)	19,099	3	3.66%	2,096
001708	NT WOODS GENERATOR PLUG		2015	20 Years	11,308	General	Common	(544)	10,764	3	3.66%	1,181
001731	WING POINT WAY SEWER UPGRADE		2016	20 Years	392,764	Collection	Common	(18,895)	373,870	2	3.25%	24,289
001751	SEWER TELEMETRY UPGRADE		2017	10 Years	119,987	General	Common	(5,772)	114,215	1	3.67%	4,187
001755	MADRONA/CITY PARKING LOT - SEWER SECTION		2017	66 Years	250,649	Collection	Common	(12,058)	238,591	1	3.67%	8,747
001762	WINSLOW GROVE SEWER SYSTEM - DEV DONATED	Yes	2017	66 Years	84,906	Collection	Common	(84,906)	-	1	3.67%	-
001769	ROOST PH.1A SEWER SYSTEM - DEV DONATED	Yes	2017	66 Years	71,758	Collection	Common	(71,758)	-	1	3.67%	-
000005	1992 INTERNATIONAL TANKER TRUCK		1992	10 Years	121,424	General	Common	(5,841)	115,583	10	6.44%	74,455
000022	1998 CHEVY PU		1998	9 Years	19,636	General	Common	(945)	18,691	10	5.09%	9,515
000057	2003 CHEVY EXPRESS VAN		2003	10 Years	24,027	General	Common	(1,156)	22,871	10	4.75%	10,860
000109	2008 FORD F450 PU		2007	10 Years	15,207	General	Common	(732)	14,475	10	4.40%	6,363
000128	GENERATOR-CATERPILLAR		1980	10 Years	6,000	General	Common	(289)	5,711	10	8.59%	4,908
000139	GENERATOR-JOHN DEERE		1977	10 Years	28,000	General	Common	(1,347)	26,653	10	5.68%	15,146
000159	LARGE SANDER ATTACHMENT		2008	10 Years	33,496	General	Common	(1,611)	31,884	10	4.86%	15,499
000241	SEWER TELEMETRY DESIGN AND INTEGRATION		1993	10 Years	104,718	General	Common	(5,038)	99,680	10	5.60%	55,796
000242	CHOPPER PUMP		1998	10 Years	6,761	General	Common	(325)	6,436	10	5.09%	3,276
000243	SEWER INSPECTION SYSTEM, PLUS TAXES		2000	10 Years	29,755	General	Common	(1,431)	28,324	10	5.71%	16,170
000244	ROTO SCREEN & BEARINGS		2002	10 Years	3,590	General	Common	(173)	3,417	10	5.04%	1,721
000245	TELEMETRY UPGRADE - SEWER		2003	10 Years	7,398	General	Common	(356)	7,042	10	4.75%	3,344
000246	TELEMETRY UPGRADE - SEWER		2003	10 Years	3,748	General	Common	(180)	3,568	10	4.75%	1,694
000247	LOADER BUCKET ADVERTISING		2008	10 Years	283	General	Common	(14)	269	10	4.86%	131
000248	SEWER CAMERA		2009	10 Years	20,294	General	Common	(976)	19,317	9	4.62%	8,034
000277	WWTP TRUCK WEIGH SCALES - PORTABLE		2012	5 Years	7,170	Treatment	Common	(345)	6,825	6	3.73%	1,527
000278	2012 GENERATOR SOUND ATTENUATION		2012	20 Years	22,511	General	Common	(1,083)	21,428	6	3.73%	4,795
	Total				**$ 34,119,759**			**(2,980,277)**	**31,139,483**			**$ 11,590,857**

	Construction Work In Progress	Donated	Year	Useful Life	Original Cost	Function	Service Area
00721	Lovell Pump Station Beach Mains		2017		$ 55,071	Collection	Common
00782	Village Pump Station		2017		65,441	Pumping	Common
00783	New Brooklyn - NT Woods Pump Station		2017		14,367	Pumping	Common
00784	Lynwood Pump Station		2017		90,243	Pumping	Common
	Total				**$ 225,121**		

City of Bainbridge Island
Sewer Rate & SPF Study
Sewer Capital Improvement Program

Project Costs and O&M Impacts in Year:	2018

CIP Realization Factor	100%

No	Function	Description	2018	2019	2020	2021	2022	2023	2024	Type of Capital: % Upgrade / Expansion	% R&R	% Treatment	% Utility Funded
1		**3b Sewer Prj 2019 CIP**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	100%			100%
2	Pumping	Rehabilitate Pump Station	475,000	425,000	-	-	-	-	-	14%	86%	0%	100%
3	Pumping	Pump Station/Force Main Upgrade	155,000	545,000	-	-	-	-	-	14%	86%	0%	100%
4	Treatment	Rehabilitate Pump Station	100,000	450,000	-	-	-	-	-	5%	95%	0%	100%
5	Pumping	Rehabilitate Pumps	-	150,000	-	-	-	-	-	5%	95%	0%	100%
6	Pumping	Lift Station SCADA Upgrades	-	140,000	-	-	-	-	-	5%	95%	0%	100%
7	Pumping	Pump Station & Force Main	-	750,000	-	2,500,000	-	-	-	5%	95%	0%	100%
8	Pumping	Rehabilitate Pump Station	-	-	100,000	450,000	-	-	-	5%	95%	0%	100%
9	Pumping	Rehabilitate Pump Station	-	-	-	100,000	400,000	-	-	5%	95%	0%	100%
10	Collection	Install Gravity Sewers	-	-	-	-	200,000	450,000	-	5%	95%	0%	100%
11	Pumping	Rehabilitate Pump Station	-	-	-	-	-	100,000	500,000	5%	95%	0%	100%
12	Treatment	Extend WWTP Outfall	-	-	-	-	-	200,000	900,000	5%	95%	100%	100%
13			-	-	-	-	-	-	-	100%			100%
14		**Water and Sewer Capital Update as of July 25**	-	-	-	-	-	-	-	100%			100%
15	Pumping	Replace Beach Sewer Force Main	50,000	-	-	-	-	-	-	5%	95%	0%	100%
16	Collection	Madrona Townhomes/Henshaw	265,000	-	-	-	-	-	-	14%	86%	0%	100%
17			-	-	-	-	-	-	-	100%		0%	100%
18		**Fleet and Equipment Contributions**	-	-	-	-	-	-	-	100%		0%	100%
19	General	Van	-	12,000	-	-	-	-	-	14%	86%	0%	100%
20	General	Light Duty Pick Up	-	11,000	-	-	-	-	-	14%	86%	0%	100%
21	General	Video Inspection Camera	-	35,000	-	-	-	-	-	14%	86%	0%	100%
22	General	Van	-	-	56,000	-	-	-	-	14%	86%	0%	100%
23	General	Medium Duty Pick Up	-	-	15,000	-	-	-	-	14%	86%	0%	100%
24	General	Medium Duty Pick Up	-	-	-	20,000	-	-	-	14%	86%	0%	100%
25	General	Light Duty Pick Up	-	-	-	-	13,000	-	-	14%	86%	0%	100%
26	General	Vactor Truck	-	-	-	-	-	460,000	-	14%	86%		100%
27	General	Light Duty Pick Up	-	-	-	-	-	14,000	-	14%	86%		100%
28	General	Light Duty Pick Up	-	-	-	-	-	-	14,000	14%	86%		100%
29	General	Van	-	-	-	-	-	-	92,000	14%	86%		100%
		Total Capital Projects	**$ 1,045,000**	**$ 2,518,000**	**$ 171,000**	**$ 3,070,000**	**$ 613,000**	**$ 1,224,000**	**$ 1,506,000**	**7%**	**93%**		
		Total Upgrade/Expansion Projects	131,205	216,588	14,813	155,264	31,797	103,015	84,651	737,335	9,409,665		
		Total R&R Projects	913,795	2,301,412	156,187	2,914,736	581,203	1,120,985	1,421,349				
		Projects by Grants / Developer Donations	-	-	-	-	-	-	-				
		Projects by Enterprise Fund	1,045,000	2,518,000	171,000	3,070,000	613,000	1,224,000	1,506,000				
		Total Treatment-Related	-	-	-	-	-	200,000	900,000				

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 60 Minutes

AGENDA ITEM: (7:40 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:
Recommendations for suggested action:

Option 1: Approve the draft SMP amendment and authorize staff to transmit the amendment to the Department of Ecology for their initial determination of consistency.

Option 2: Forward the draft SMP amendment to the January 8, 2019, Council meeting for further discussion.

SUMMARY:

Discussion and possible action regarding the 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, and November 27, 2018.

New information for this meeting includes a staff memo providing updates since the public hearing, a revised draft amendment reflecting changes to text resulting from the removal of the aquifer recharge protection area (ARPA)**, an outline of outstanding policy questions related to nonconforming structures, uses, and lots, and a summary of public comments.

** Changes are shown on only seven pages -- page 112, 119-122, and 166-167 -- in blue text. No other text from the September 11, 2018, draft amendment has been changed.

ATTACHMENTS:

20181211 CC Staff Memo SMP Amendment

20181211 Nonconforming Policy Checklist.pdf

20181211 Draft SMP Amendment -- Critical Areas and Nonconforming -- Public Hearing Draft -- All track changes -- ARPA deleted.docx

20181211 Public Comment Summary by Date.docx

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date: December 11, 2018

To: City Council

From: Christy Carr, AICP
Senior Planner

Subject: Shoreline Master Program Amendment

I. Introduction and Background

This memo provides an update on the draft Shoreline Master Program (SMP) Amendment since the initial public hearing on September 11, 2018. This memo repeats information provided in the staff memo for the public hearing and provides updated information in blue bold text. New background materials include:

- Nonconforming Policy Questions
- Revised SMP Amendment – Excerpts only of changes related to ARPA deletion
- Summary of Public Comments

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 the 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, 2018, 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 its September 11, 2018 public hearing.

The Planning Commission provided clarifications and revised recommendations with respect to nonconforming single-family residential structures, which were discussed at the November 8 and 22, 2018 Planning Commission meetings.

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.

At its October 16, 2018 study session, the City Council made the policy decision to not include the aquifer recharge protection area (ARPA) requirement within the shoreline jurisdiction. The revised SMP Amendment provided in the background material includes only those pages/sections from which the ARPA language was deleted (to avoid sending the entire SMP).

IV. Summary of Amendments – Nonconforming Uses, Structures, and Lots

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. Original proposed revisions are summarized at the end of this document.

Policy questions currently under consideration by the City Council include:

Question	PC Recommendation	Initial Council Input
Can intentionally demolished nonconforming structures be rebuilt? If so, which ones?	Yes. All structures may be rebuilt in same footprint except for non-water-oriented commercial and multifamily.	Concur that single-family primary structures and their appurtenances (essential accessory structures) may be rebuilt.
Can nonconforming structures be expanded? If so, what is the limit to expansion?	Yes. Single-family primary structures may be expanded up to 500 square feet over the life of the structure.	Some level of concurrence that single-family primary structures may be expanded up to 500 square feet.

The document titled, *Nonconforming Policy Questions*, tees up the remaining policy questions within the framework of the draft SMP Amendment, Section 4.2.1.

V. Miscellaneous Revisions

Over the course of the Planning Commission's consideration of the draft amendment, two miscellaneous revisions were made based on public input to clarify applicability of the overall program and the course of action to follow in the event of a conflict. Staff requests City Council input on these miscellaneous revisions. [Black text is existing, red text is proposed.]

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~~.

4.0.1 Regulations - General

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.~~

This proposed language has been revised based on subsequent public input and staff discussion:

7. Where provisions of this Master Program or other provisions in BIMC conflict, ~~the more restrictive provisions shall apply unless specifically stated otherwise.~~ the conflict shall be resolved by the Director of Planning and Community Development Department by applying the provision that provides the most protection of shoreline ecological functions consistent with the purposes and intent of the Shoreline Management Act. If the Director's decision is made in response to a code interpretation request filed under BIMC 2.16.020.D, the decision shall be appealable in the same manner as other code interpretations. If the Director's decision is made in the processing of a development permit, the Director's decision shall be appealable as part of the permit decision.

VI. Summary of Public Comments

At the direction of the City Council, a second joint/local public process and public hearing was held after the nonconforming chapter was added to the original critical areas ordinance (CAO) integration amendment. As such, comments date back to the first public process (May 11 through June 11, 2018),

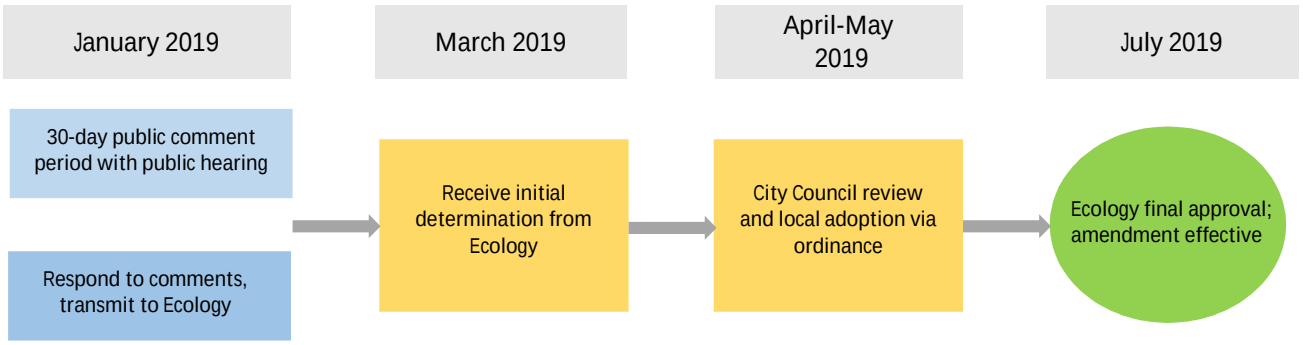
although there were no substantive public comments received during that timeframe. The second public process ran from September 10 through November 9, 2018.

Background materials include a summary of public comments with staff response. Comments sent directly to the City Council are not included in the summary unless they were forwarded to staff.

VII. 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 ran from September 10 through November 9, 2018. The City has requested an extension of the comment period. After the close of the public comment period, the process is for the City to forward 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 the 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 summer 2019.

[Revised timeline.]



High-level summary of Planning Commission recommendation

- 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).

Existing and Proposed Language		Discussion/Policy Questions

Existing and Proposed Language		Discussion/Policy Questions
4.2.1 Nonconforming ~~Uses, Non-Conforming Lots, and Existing Development~~ Nonconforming Structures, and Non-conforming Lots~~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.~~ amendments thereto, ~~but~~ and which do not conform to ~~present~~ current regulations or standards of ~~the Master~~ this Program. This section does not apply to shoreline modification or shoreline stabilization. Nonconforming uses, lots and structures ~~Existing structures and uses that do not conform to this Program~~ are not required to meet this Program's ~~its~~ requirements, unless new development or changes to a use, lot or structure ~~or use~~ that would require review under this Program are proposed.	❶	The term "existing development" is changed to "nonconforming structures." RCW 90.58.620 states that SMPs may include provisions that allow legally established residential structures and appurtenant structures that are used for a conforming use to be considered a conforming structure even though they do not meet SMP standards. This "optional approach" is not recommended by the Planning Commission. Revised text intended to: • Clarify applicability **Policy question/s:** **a. Should the term "nonconforming structure" replace "existing development"? [Initial Council input is yes]**

Existing and Proposed Language		Discussion/Policy Questions
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.	❷	This is a new section recommended by the Planning Commission. This would be the only section of the City's SMP that includes definitions (definitions are generally included in Section 8.0, Definitions). Public comment indicates that including a date in the definition may result in confusion, specifically as it relates to baseline conditions in determining no net loss. WAC 173-27-080 uses the language "prior to the effective date of [the act] or the applicable master program." The "applicable master program" in this case is the City's 2014 comprehensive update. Revised text intended to: • Provide definition within section • Use definitions consistent with WAC 173-27-080 (SMP Guidelines) • Emphasize that (a) this section applies only to lawful structures/uses and (b) nonconformities result from subsequent changes in the SMP **Policy question/s:** **a. Should a specific date be included in the definitions?**

Existing and Proposed Language		Discussion/Policy Questions
4.2.1.~~23~~ 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 ~~program~~ section to recognize legally established uses, lots, and structures ~~primary residential 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.	❸	Existing goal language attempts to convey the concept of preferred uses established by the SMA, which include single-family residences and water-dependent commercial uses, as well as emphasize that nonconforming structures do not need to meet the Program's requirements unless a change is proposed that requires review. Existing language also expresses the goal of reducing nonconformities of residential structures as changes are proposed over time. Revised text intended to: • Clarify and shorten goal statement • Reference specific provisions instead of "this program" • Remove perceived intent to eliminate nonconforming residential structures **Policy question/s:** **a. Is a goal of this section to have nonconforming residential structures reduce nonconformities over time?** **b. Is the revised goal statement accurate?**

4.2.1.~~34~~ 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.~~	❹	As with the existing goal language, the existing policy language attempts to convey the concept of preferred uses established by the SMA, but it is challenging to decipher specifically what the City's policies are. Existing policy language is repetitive, is overly broad ("meets the goals and provisions of this program") or vague ("certain expansions" allowed), and some policies include more than one structure or use type. WAC 173-27-080, *Nonconforming use and development standards*, applies if a shoreline master program does not contain locally adopted nonconforming use and development standards. The City's nonconforming policies should address the topics in WAC 173-27-080, convey the City's goal/s, guide decisions, and support regulations. Revised text intended to: • Clarify and shorten language • Clarify policy statements **Policy question/s:** **a. Should there be a difference between intentionally demolished and unintentionally destroyed? If yes, for all structures?** **b. Should intentionally demolished structures be able to be rebuilt in the same footprint? If yes, which ones?** **c. Should nonconforming primary single-family residential structures be able to expand? If so, by how much?** **d. Should the SMP differentiate among different types of nonconforming structures?**

Existing and Proposed Language		Discussion/Policy Questions
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.~~ Nonconforming ~~Lawfully constructed r~~esidential ~~s~~tructures may be replaced, repaired, maintained, ~~an~~ or remodeled and, in some cases, nonconforming structures may be expanded provided the change meets the ~~goals and provisions of this program~~ 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. ~~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, reestablishment of nonconforming uses and nonconforming commercial structures located in the shoreline jurisdiction shall should be restricted or phased out over time.~~ ~~6. Lawfully constructed commercial structures that do not conform to the standards and regulations of this Program 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.~~ 3. ~~7. 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. Legally established~~ Nonconforming ~~Lawfully constructed and located~~ overwater structures ~~that are destroyed~~ may be reconstructed to the same size ~~, but the configuration may be~~ and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program. ~~altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased.~~ 4. ~~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~~		

Existing and Proposed Language		Discussion/Policy Questions
~~will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.~~ ~~Legally created n~~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.		

Existing and Proposed Language		Discussion/Policy Questions
4.2.1.45 Regulations – General ~~1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.~~ ~~2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.~~ ~~3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.~~ ~~4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.~~ ~~5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.~~ 1. Nonconforming uses, lots, and ~~and~~ structures ~~that were lawfully constructed or existed established prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments thereto, but and which do not meet the specific current regulations and standards of this Program,~~ may continue subject to the provisions of this section. ~~2.~~ Any alterations to nonconforming ~~existing~~ 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 ~~existing~~ uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.		This section is revised to include only those regulations applicable to all structures, uses, and lots. Specific regulations are relocated (e.g., regulations related to uses are moved to section on uses). Revised text intended to: • Clarify and shorten language • Emphasize requirement to meet no net loss standard and clarify that current condition of shoreline (at time of application) is baseline for determining compliance. **Policy question/s:** • None identified

Existing and Proposed Language		Discussion/Policy Questions
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.	❺	No changes to nonconforming **use** language is proposed. **Policy question/s:** **a. If a nonconforming use is operating within a nonconforming structure (e.g., a boating facility in Shoreline Residential Conservancy designation) and is unintentionally destroyed, should the structure be able to be rebuilt so the use can be re-established?** **b. Should the SMP differentiate between re-establishment of different uses (e.g. overwater residences vs. commercial amusement in Island Conservancy shoreline designation) after destruction?**

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.	❻	Revised text intended to: • Clarify and shorten language • Relocate language related to structures only from "general" section Note: This section should contain only provisions that are applicable to all nonconforming structures. Provisions applicable only to specific structure types are in subsequent sections. [It may end up making sense condensing provisions into fewer sections based on policy decisions about allowances for different types of structures.] **Policy question/s:** **a. Should the SMP differentiate allowances among different structures and uses (e.g., primary vs. accessory vs. essential accessory, single-family vs. multifamily, residential vs. commercial)?** **b. Should all types of structures be allowed to rebuild after a catastrophe? If not, which ones can/can't?** **c. Should a replacement structure meet all geologically hazardous provisions, including required setbacks, or only factors of safety and demonstration of geologic stability requirements?** **d. Should an application for reconstruction be required within 3 years (PC recommendation changed current SMP from 2 to 3 years based on public comment)?**

Existing and Proposed Language		Discussion/Policy Questions
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. Section re-ordered so that the most commonly referenced/used sections are first, followed by the least referenced sections.		
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;~~	❼	Revised text intended to: • Clarify and shorten language • Relocate language related to primary residential structures only from other sections • Clarify that a primary structure may be rebuilt if destroyed by <u>any</u> means • Specify review process for alteration/expansion based on overall size (square footage) • Specify that significant trees may be removed to accommodate expansion, with certain criteria met • Specify that exceptional (landmark) trees cannot be removed to accommodate expansion Note: Current draft reflects Planning Commission's original recommendation of unlimited expansion. Revised recommendation is to allow up to 500 square feet of expansion over the life of the structure. **Policy question/s:** **a. Should single-family primary structures be allowed to be reconstructed in the same footprint if it is destroyed by <u>any</u> means? [Initial Council input is yes.]**

Existing and Proposed Language		Discussion/Policy Questions
~~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 ~~n existing~~ 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.		**b. Should single-family primary structures be allowed to add height (meeting current requirements) when rebuilding after any means of destruction? [Initial Council input is yes.]** **c. Should single-family primary structures be allowed to be expanded? If so, by how much and where? [Initial Council input is 500 square feet landward. "Landward" needs precise definition.]** **d. Should significant tree removal be allowed to accommodate expansion?** **e. Should a more robust review/documentation process be required when expansion is allowed (e.g., should a site-specific impact analysis be required in all cases)?**

Existing and Proposed Language		Discussion/Policy Questions
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.~~6.5~~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.~~		Revised text intended to: • Clarify and shorten language • Eliminate distinction between accessory and "essential" accessory • Allow for rebuilding within the same footprint of all accessory structures if damaged or destroyed by any means Notes: Accessory structures include buildings (sheds, boathouse, gazebo, ADUs) and other structures (deck, patio, swimming pool, outdoor kitchen, stairs – any assemblage of manmade materials). Construction of ADUs currently requires a shoreline conditional use permit. Term "essential single family residential accessory structure" similar to "appurtenances" in WAC 173-27-040: "On a statewide basis, normal appurtenances include a

Existing and Proposed Language		Discussion/Policy Questions
~~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.	❽	garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards … Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program." City's current definition of 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. **Policy question/s:** **a. Should the term "essential single family residential accessory structure" be eliminated? If no, how should rebuilding allowances differ?** **b. Should non-essential accessory structures, including ADUs, be allowed to be reconstructed in the same footprint if destroyed by any means?**

Existing and Proposed Language		Discussion/Policy Questions
Note: Encumbered and nonconforming lots moved to Section 4.2.1.8		
~~***4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures***~~ ***4.2.1.7.4 Nonconforming~~Existing~~ Structures – ~~Existing~~ 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).~~		Revised text intended to: • Clarify title – "aquatic structure" has no definition • Clarify and shorten language • Remove references to shoreline stabilization – this section does not apply • Remove requirement for shoreline conditional use permit to modify nonconforming docks, piers, floats, and buoys (SCUP can deter good results) • Remove "up to 50% rule" by component for overwater structures other than docks, piers, floats, and buoys – too challenging to implement – and defer to state guideline for when "replacement" is considered "repair/maintenance." **Policy question/s:** • None identified
4.2.1.7.5 Nonconforming~~Existing~~ Structures – Multifamily Residential: Primary Structures		Revised text intended to: • Clarify and shorten language

Existing and Proposed Language		Discussion/Policy Questions
~~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.	❾	• Clarify that rebuilding in same footprint is allowed after unintentional destruction (catastrophe) • Clarify that rebuilding of any portion of structure after intentional demolition must comply with current regulations **Policy question/s:** **a. Should there be a difference between intentional demolition and unintentional destruction for multifamily structures?**

Existing and Proposed Language		Discussion/Policy Questions
4.2.1.7.6 Nonconforming~~Existing~~ 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~~existing~~ 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.		Revised text intended to: • Clarify and shorten language • Clarify that rebuilding of any portion of structure must comply with current regulations if destroyed by any means except that nonconforming structures used wholly for water-oriented uses may be reconstructed in same footprint if destroyed by catastrophe. • Implement concept of preferred uses established by the SMA, which include water-dependent commercial uses **Policy question/s:** • None identified
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.		No changes proposed.
4.2.1.~~7~~8 Regulations – Encumbered and ~~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		This section is intended to provide allowances for building without a shoreline variance for properties significantly encumbered by critical areas, their buffers or setbacks, and the shoreline buffer. It is similar to the reasonable use exception (RUE) provision in the critical areas ordinance. Revised text intended to: • Clarify language

Existing and Proposed Language		Discussion/Policy Questions
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.		Note: The language "Landslide hazard provisions of Section 4.1.5, Critical Areas" should be further clarified to refer only to specific provisions of Section 4.1.5 since, if all provisions were followed, a shoreline variance would be required, and this section is intended to allow building without one. **Policy question/s:** • None identified

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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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.

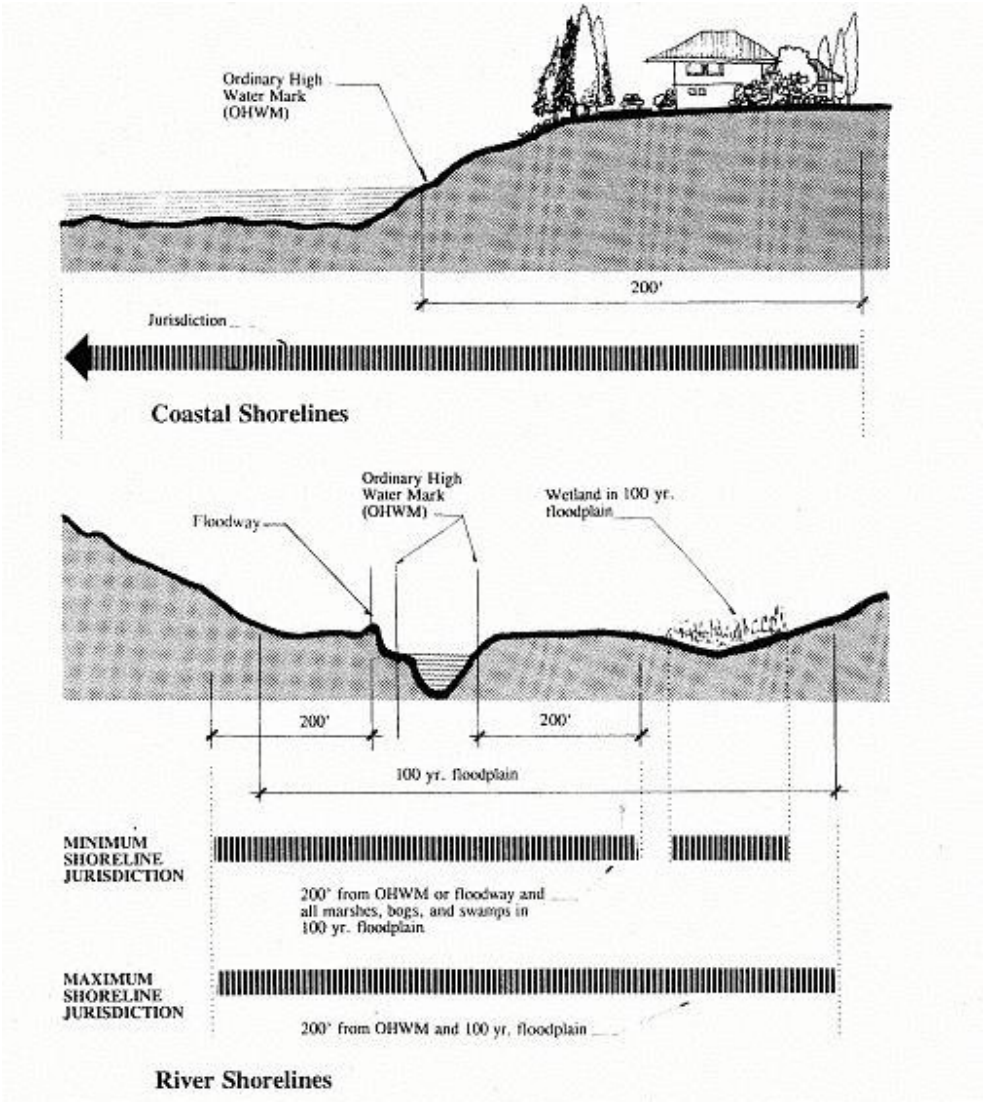

Figure 1-1 Shoreline Jurisdiction

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.

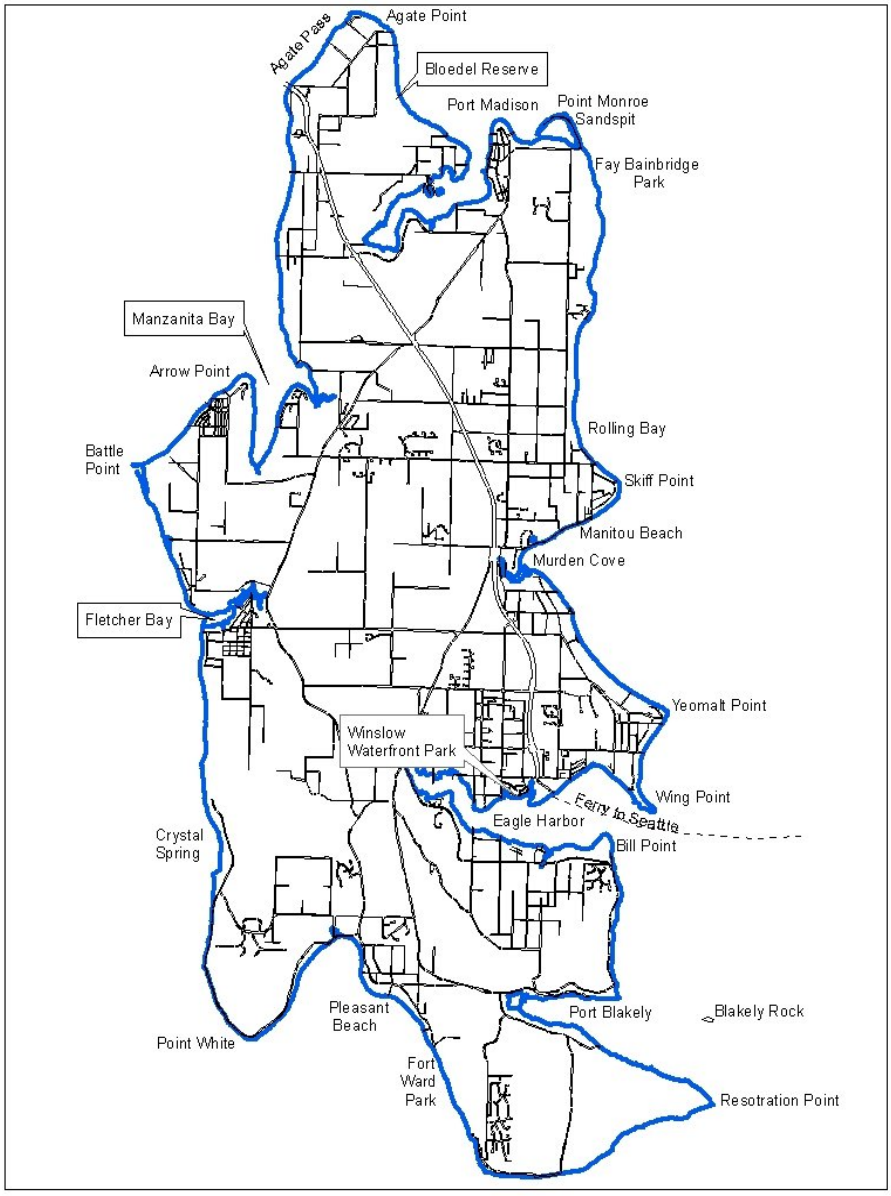

Figure 1-2 Map of Bainbridge Island

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	

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use "X" = Prohibited Use "A" = Accessory Use
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SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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									

Table 4-1 Shoreline Use and Modification Table

"P" = Permitted Use "X" = Prohibited Use "A" = Accessory Use
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SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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	

Table 4-1 Shoreline Use and Modification Table

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

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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	

Table 4-1 Shoreline Use and Modification Table

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

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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	

Table 4-1 Shoreline Use and Modification Table

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"C" = Conditional Use "#" = Same as Upland Property "CA" – Conditional Accessory Use

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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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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									
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	

Table 4-1 Shoreline Use and Modification Table

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

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
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	

Table 4-1 Shoreline Use and Modification Table

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

SHORELINE USE	UPLAND DESIGNATION					AQUATIC DESIGNATION			Use Specific Standards
	Natural	Island Conservancy	Shoreline Residential Conservancy	Shoreline Residential	Urban	Aquatic	Priority Aquatic		
							A	B	
Upland appurtenant structures that support a water 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	Priority Aquatic 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.

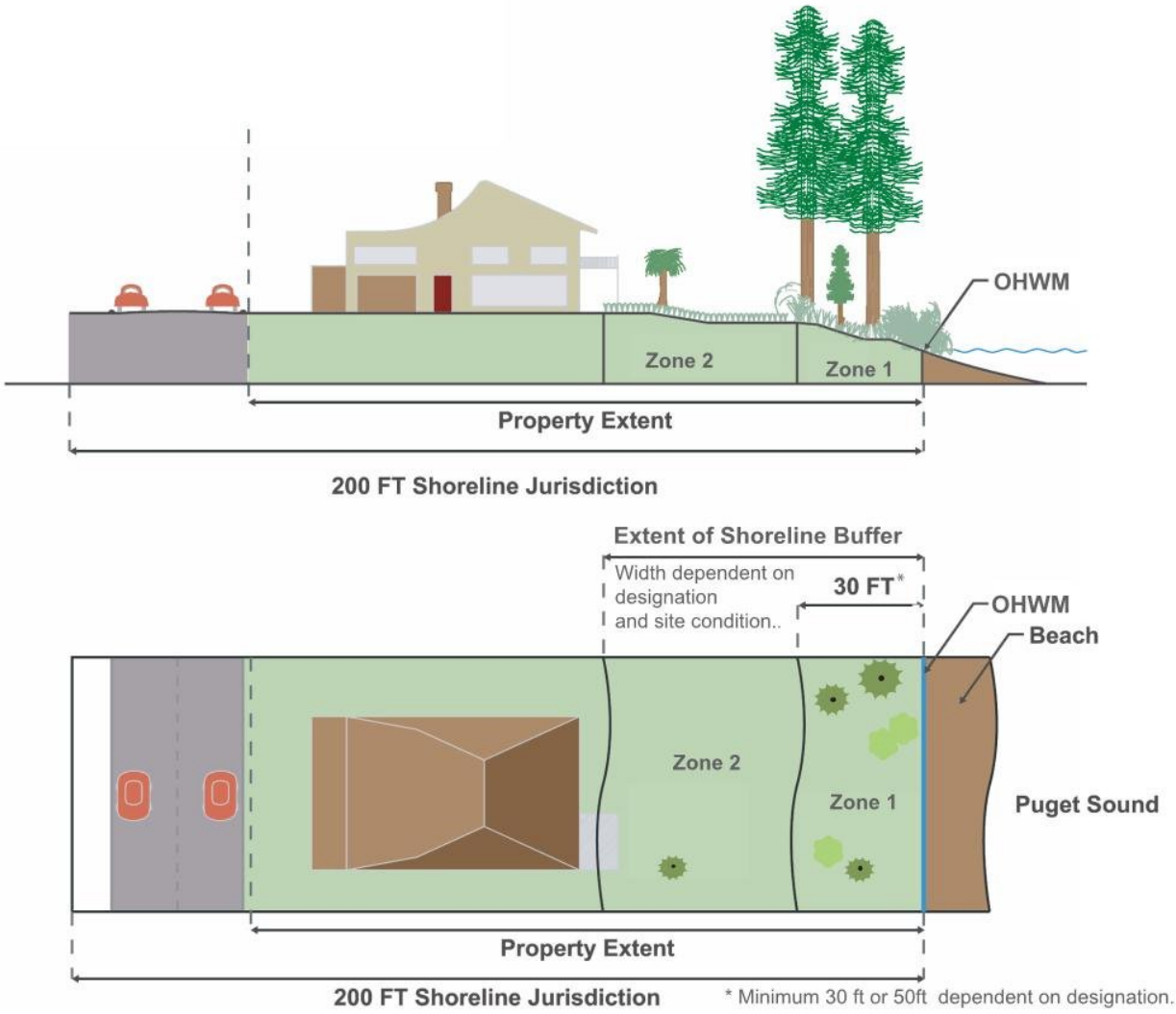


Figure 4-1 Dual Shoreline Buffer

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).

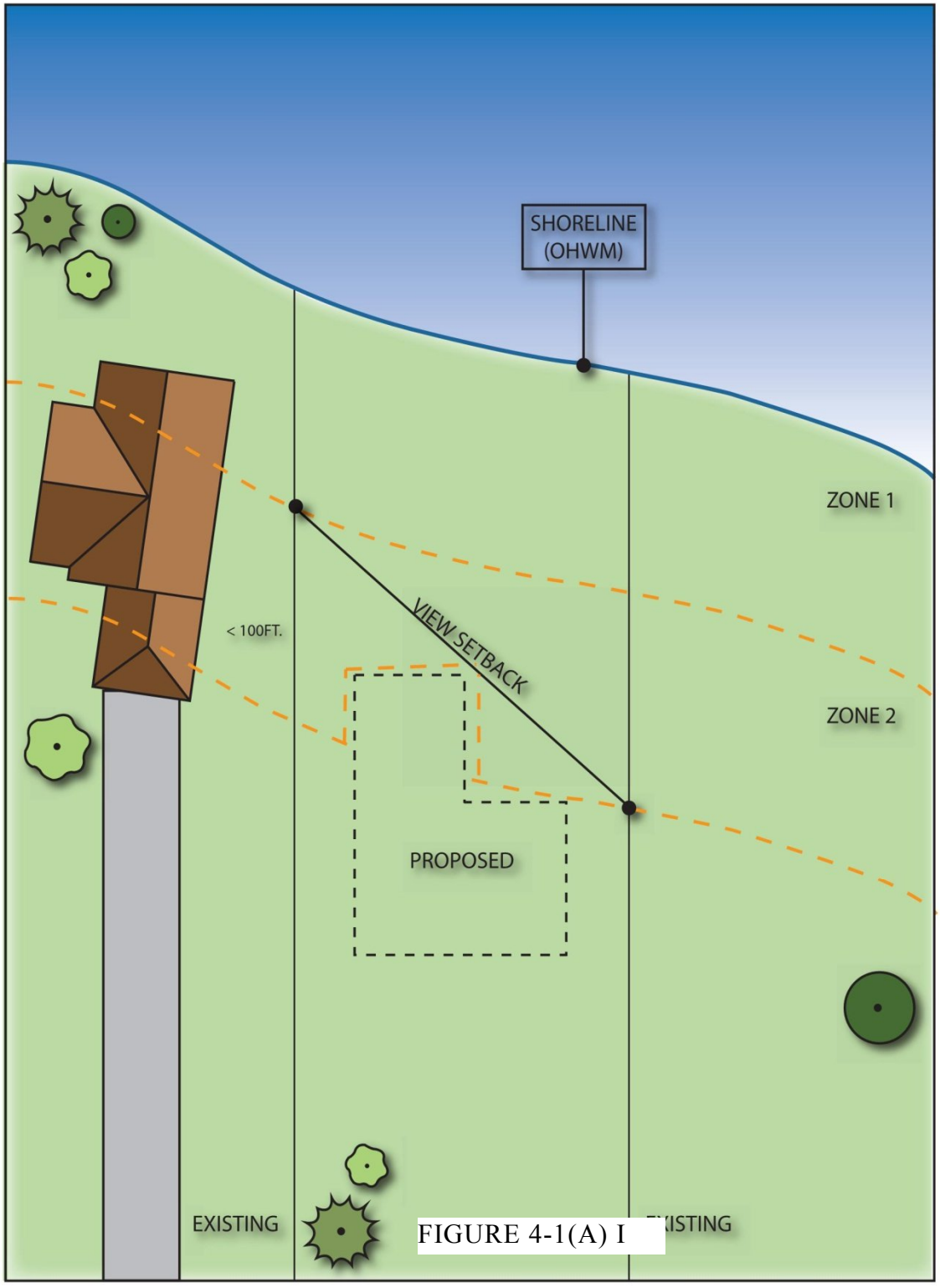

SHORELINE
(OHWM)
ZONE 1
ZONE 2
< 100FT.
VIEW SETBACK
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(A) I

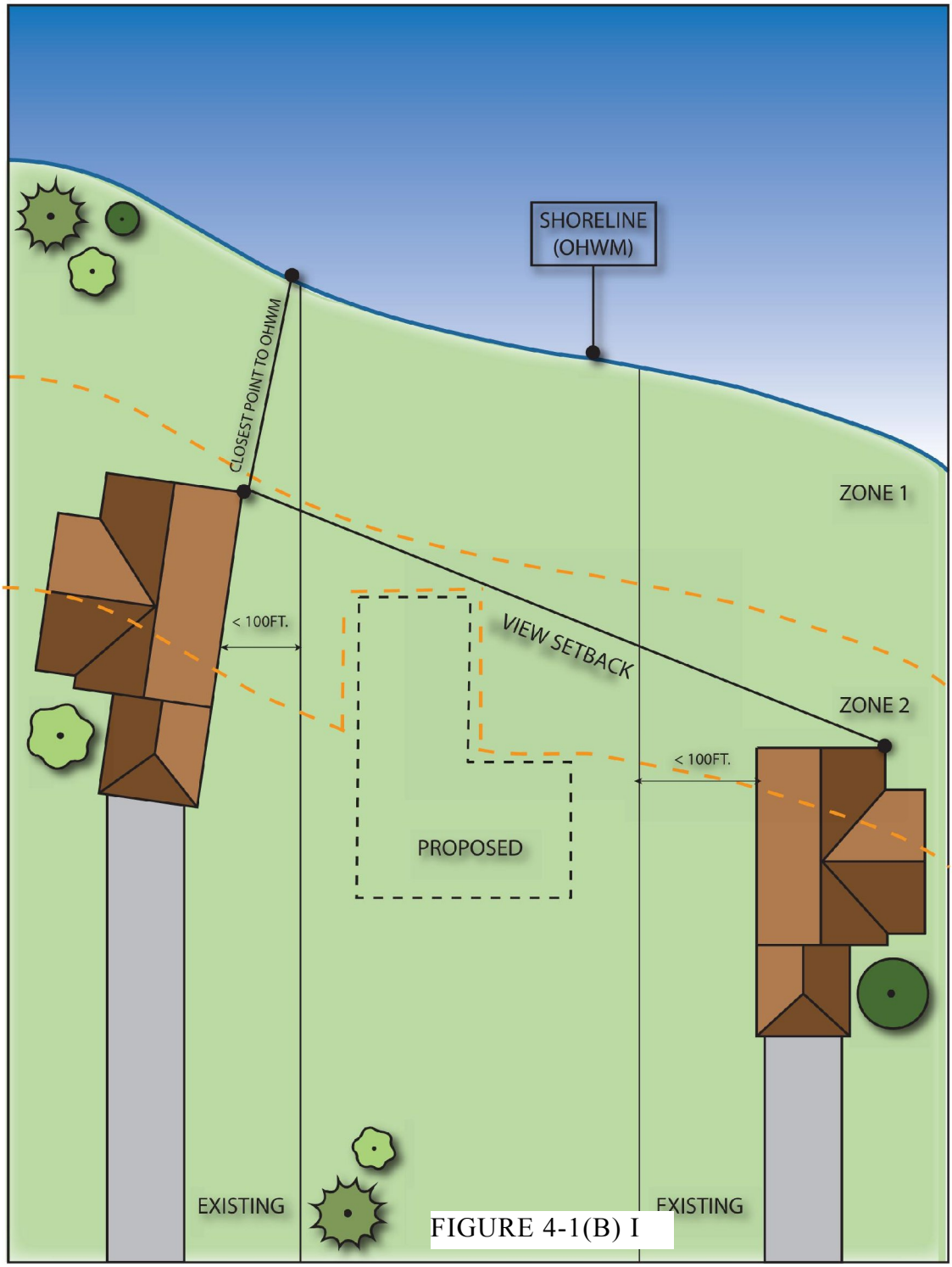

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
< 100FT.
VIEW SETBACK
ZONE 2
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 4-1(B) I

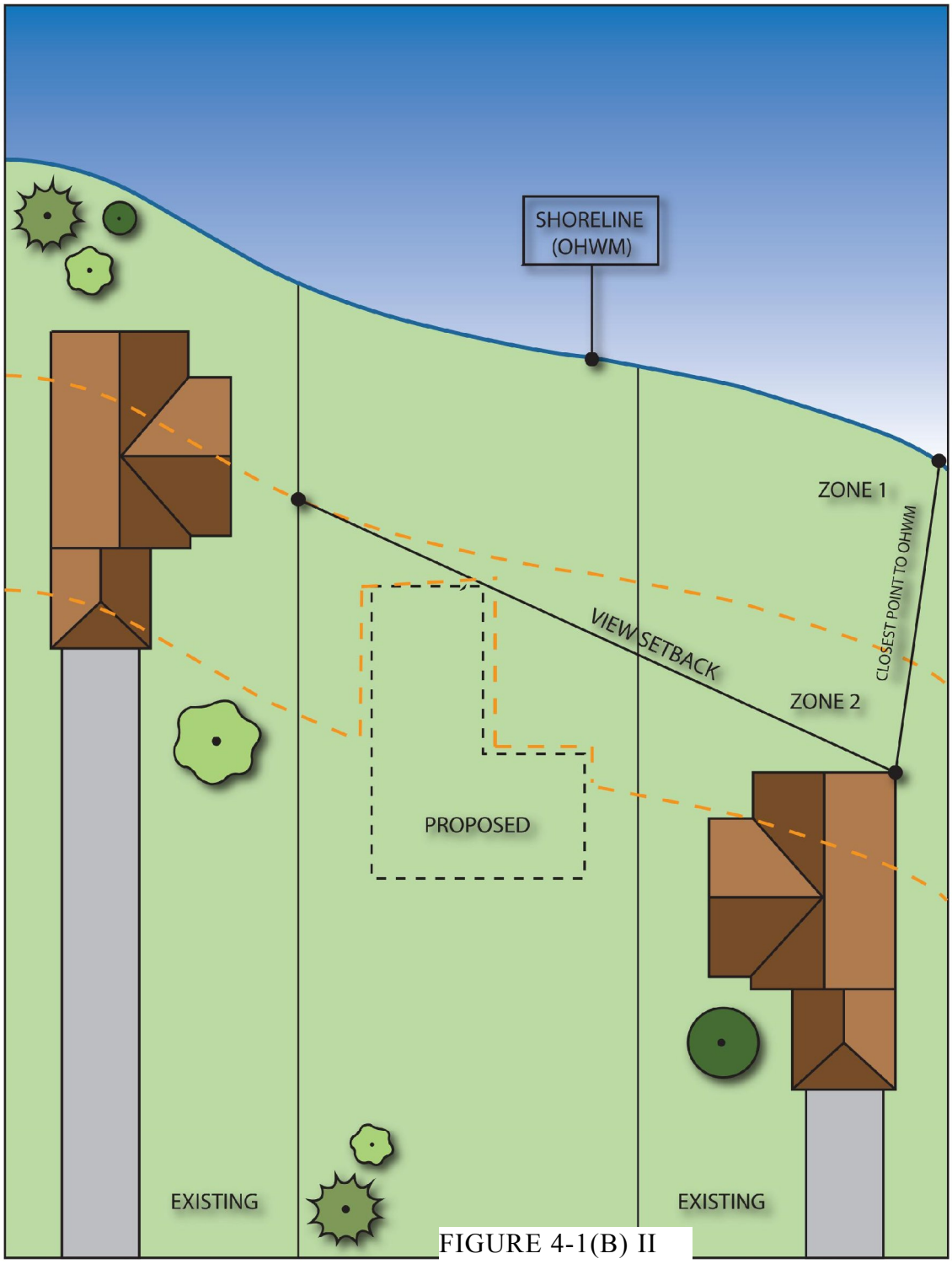


FIGURE 4-1(B) II

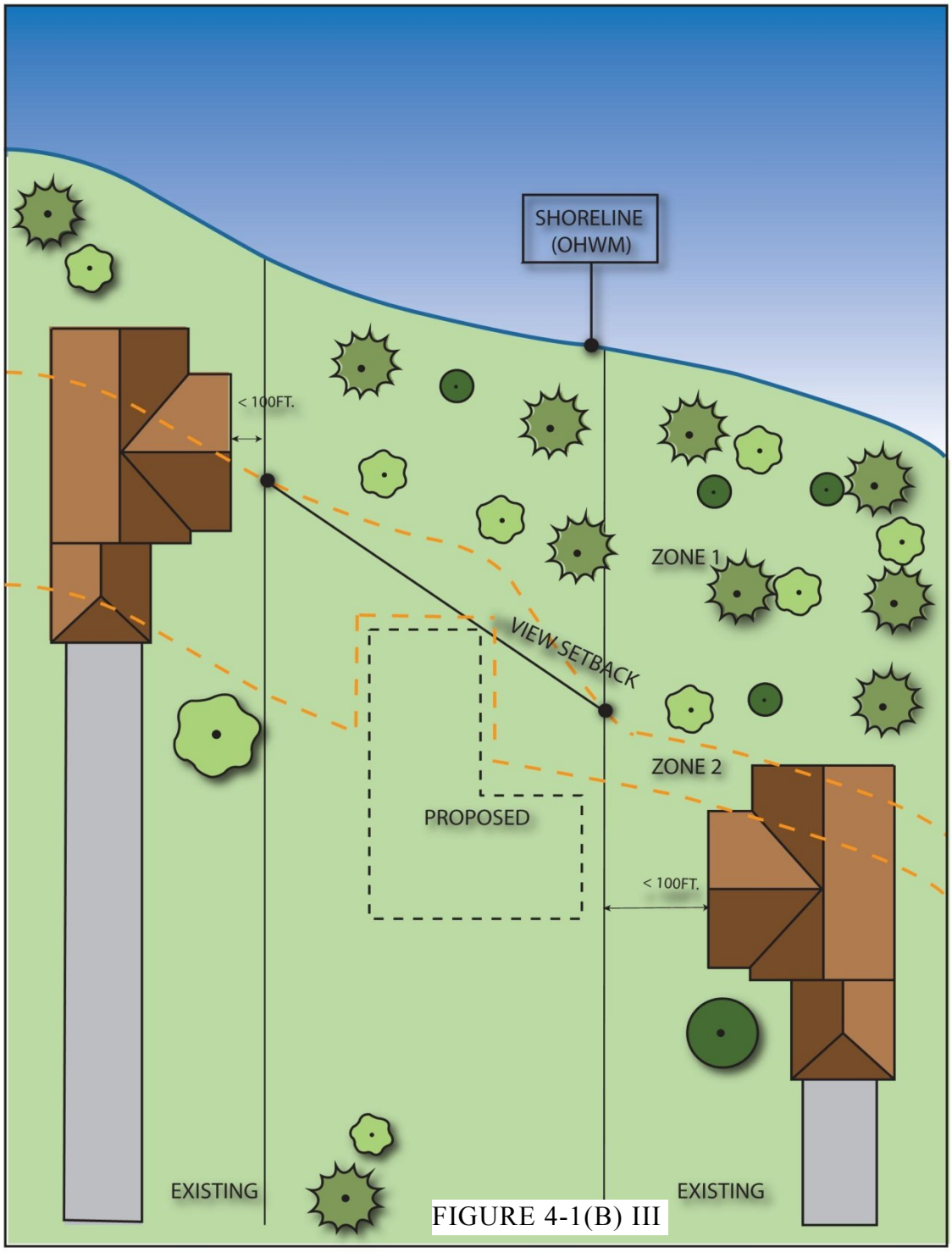
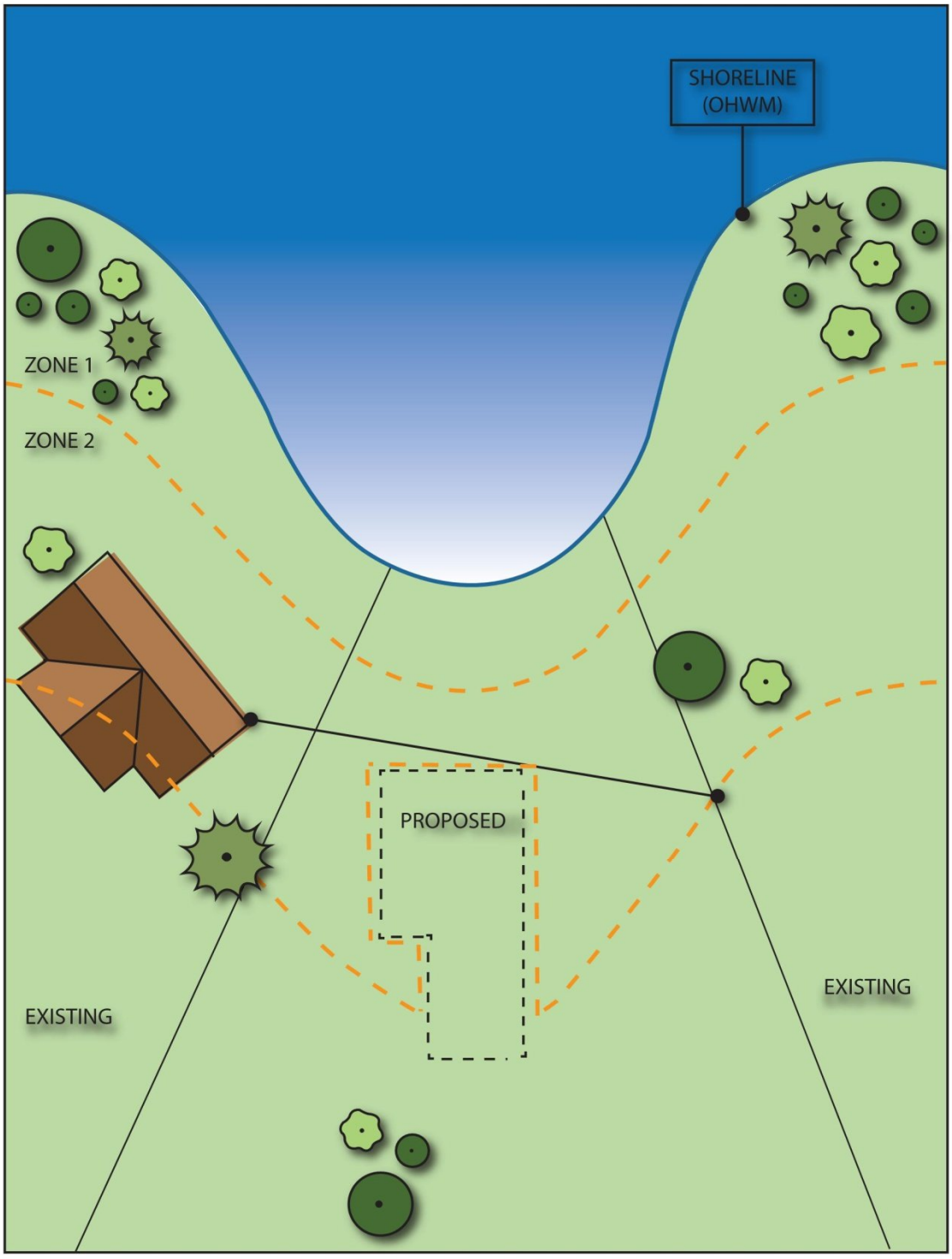


FIGURE 4-1(B) III


SHORELINE
(OHWM)
ZONE 1
ZONE 2
PROPOSED
EXISTING
EXISTING

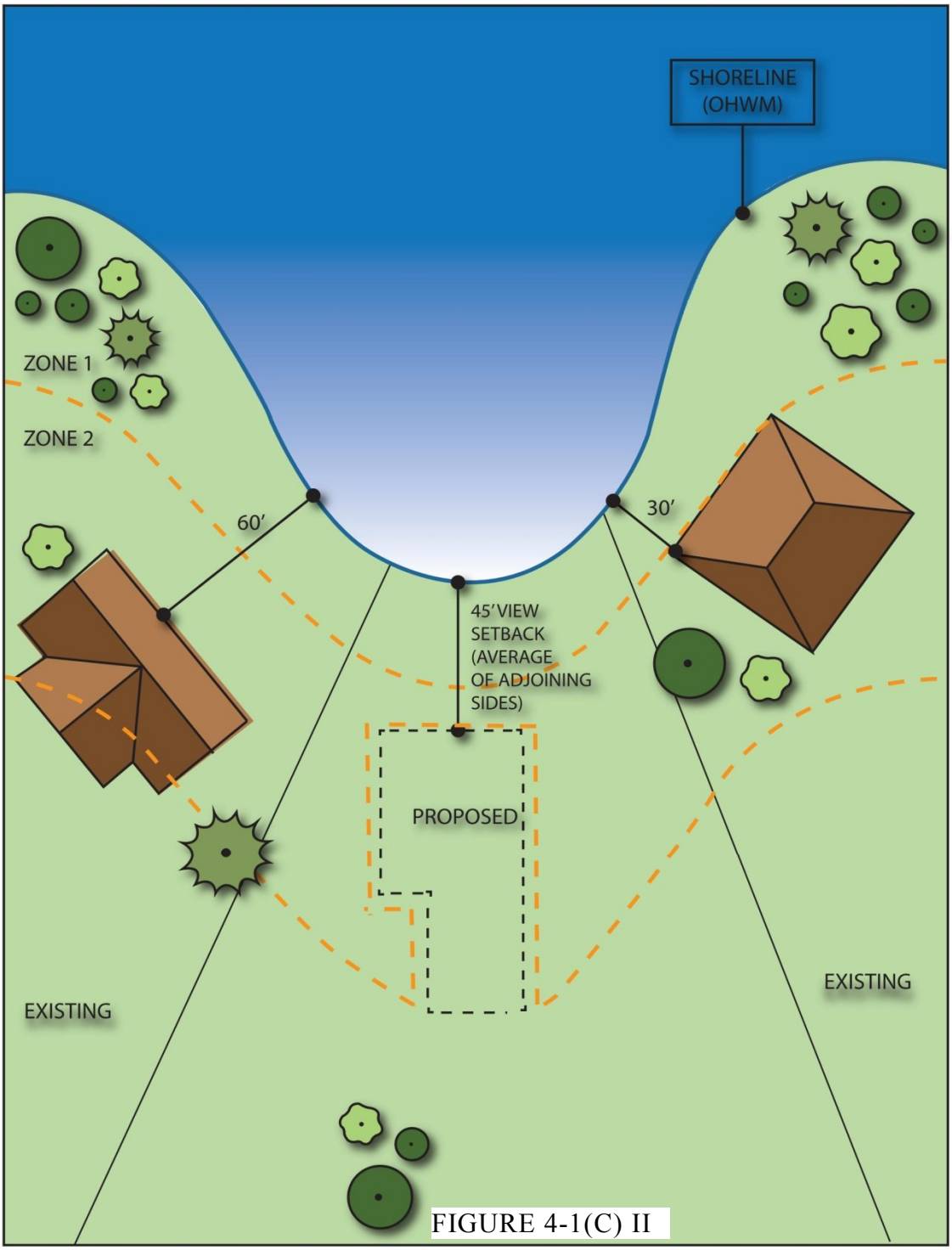


FIGURE 4-1(C) II

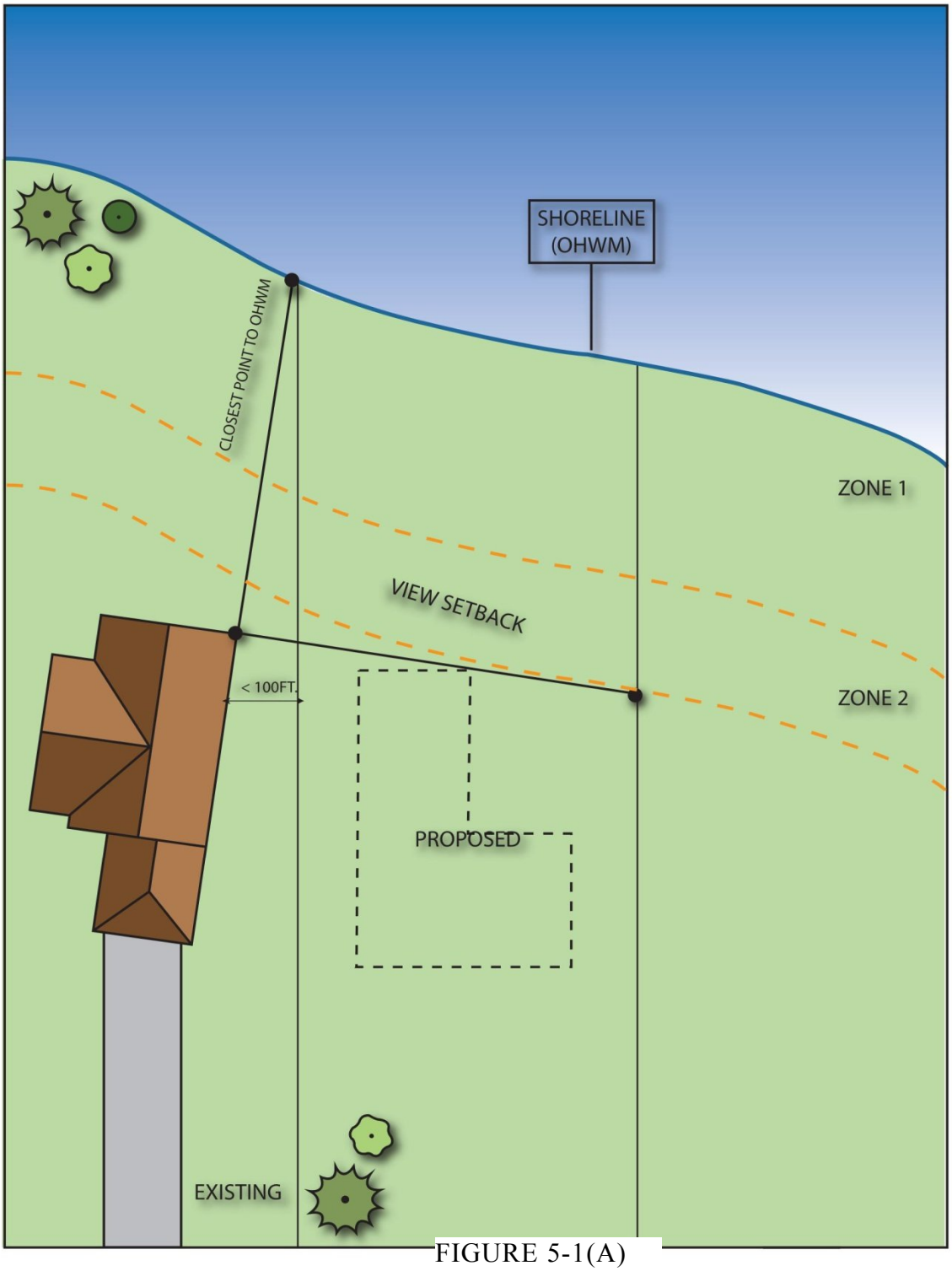

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
VIEW SETBACK
< 100FT.
ZONE 2
PROPOSED
EXISTING

FIGURE 5-1(A)

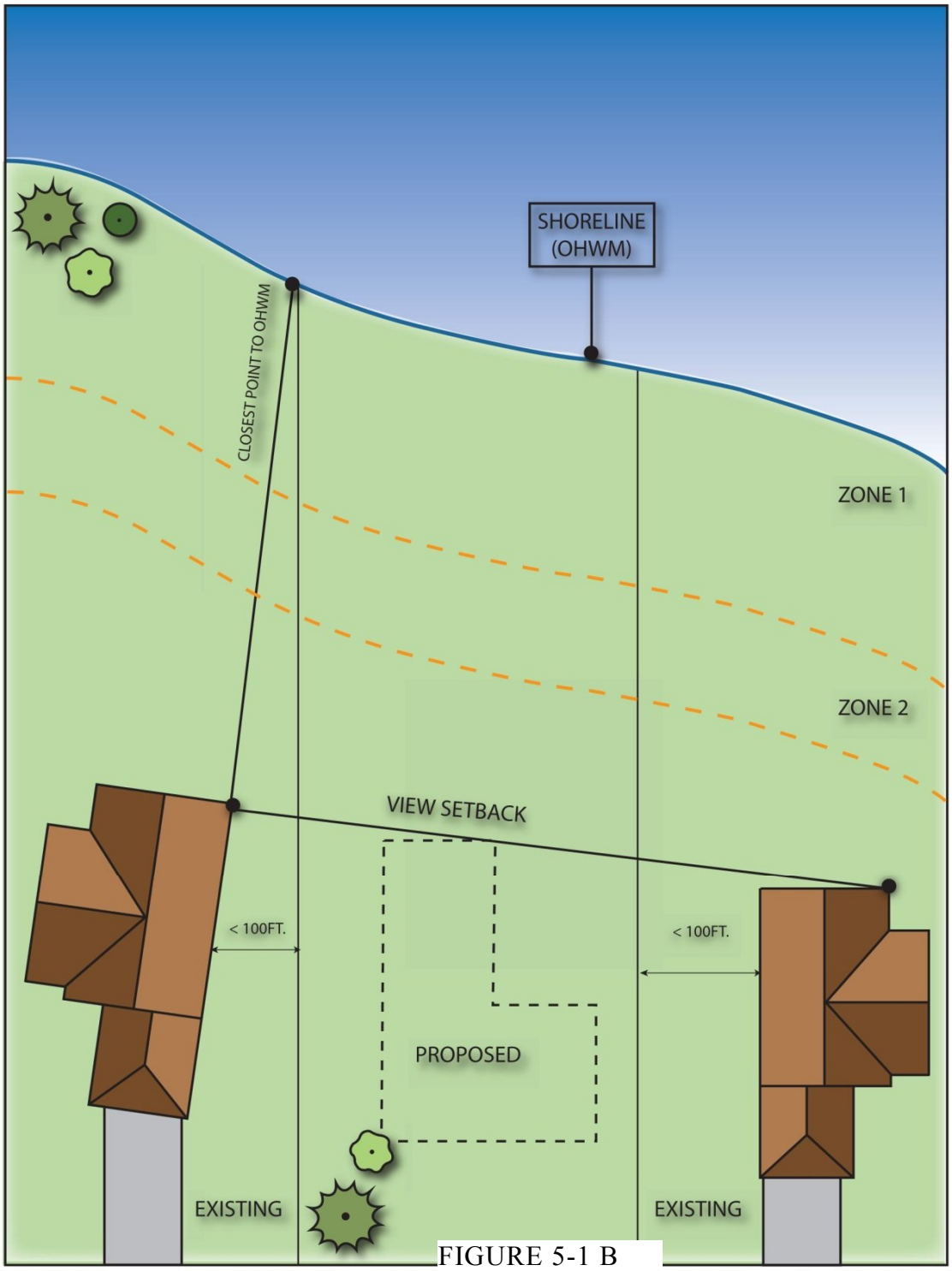

SHORELINE
(OHWM)
CLOSEST POINT TO OHWM
ZONE 1
ZONE 2
VIEW SETBACK
< 100FT.
< 100FT.
PROPOSED
EXISTING
EXISTING

FIGURE 5-1 B

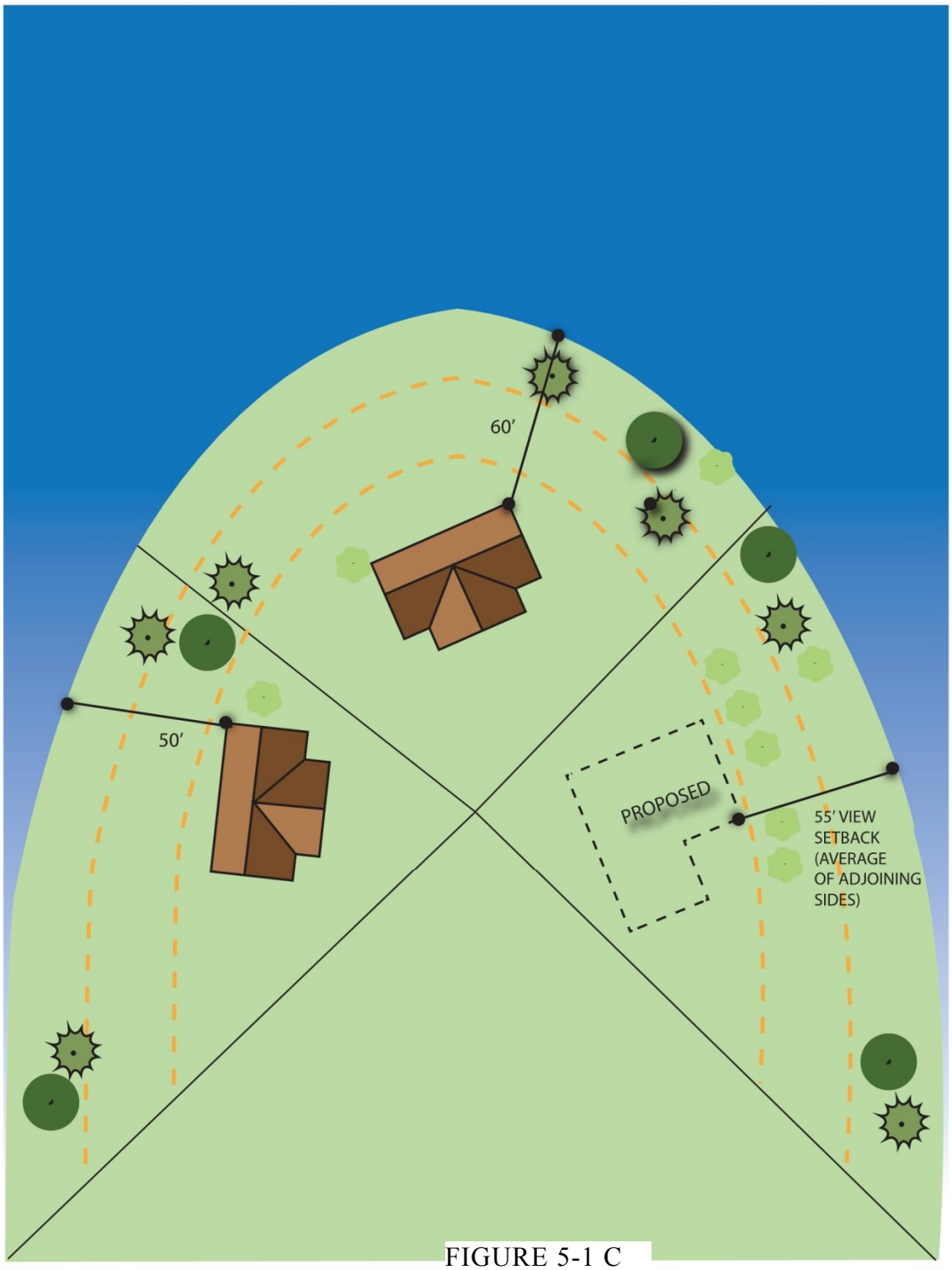


FIGURE 5-1 C

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.~~

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

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

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

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

4.1.5.46 Allowed Activities within Critical Areas

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

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

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

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

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

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

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

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

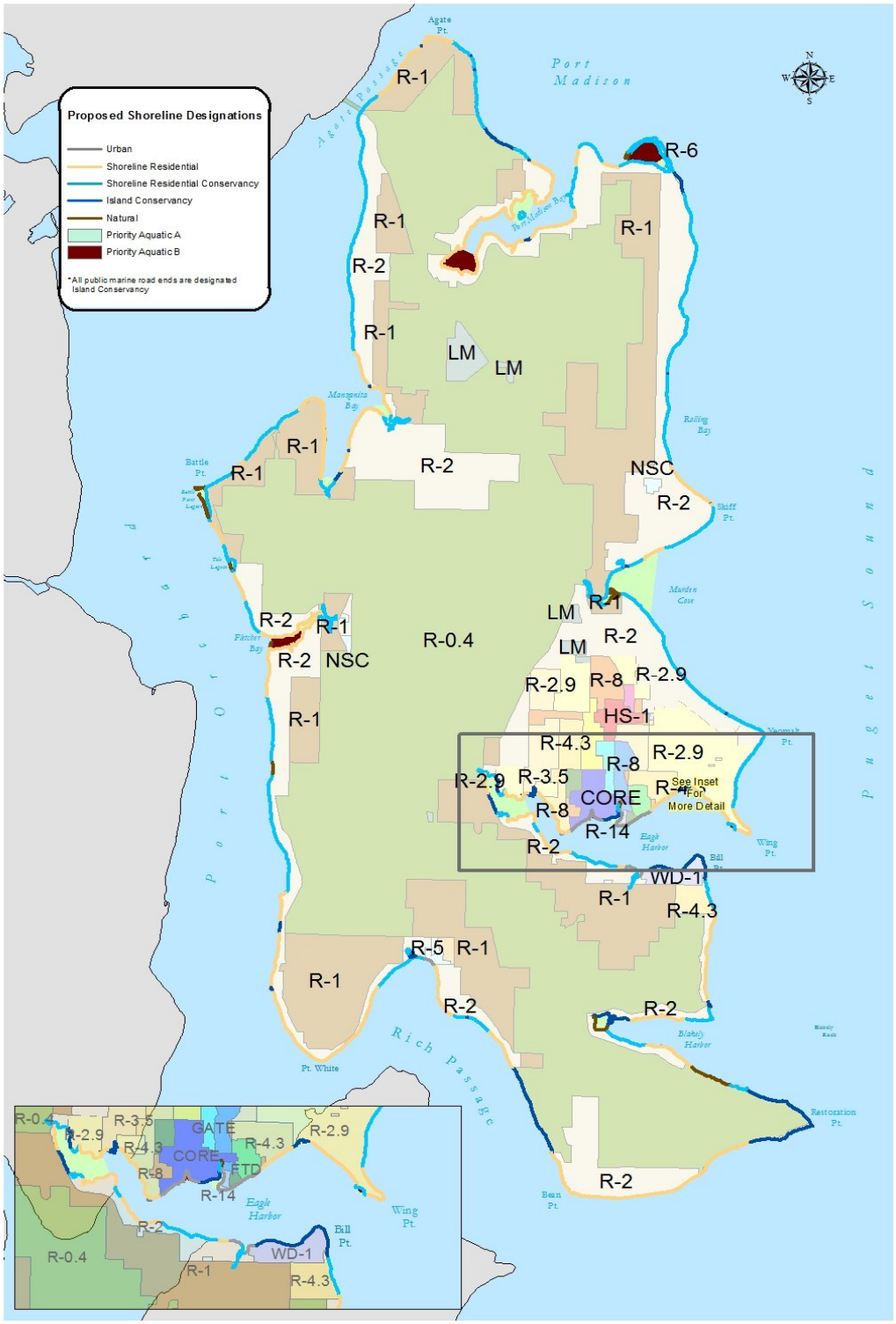
Wildlife habitat – A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, 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 habitateonservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.~~
7. ~~"Critical habitat" means a habitat identified by US Fish and Wildlife Service or the National Marine Fisheries Service as habitat necessary for survival of endangered or threatened species.~~
8. ~~"Educational or scientific activities" means controlled and/or supervised scientific activities or educational activities that are associated with an educational program that is approved through a conditional use permit.~~
9. ~~"Engineering geologist" means a practicing engineering geologist who has at least four years of professional employment as an engineering geologist with experience in~~

landslide evaluation, and a Washington State specialty license in engineering geology as specified in Chapter 18.220 RCW.

10. "Erosion hazard area" means a landform or soil type subject to being worn away by the action of water, wind, freeze-thaw, or ice, and which are:
    a. Rated in the Soil Survey of Kitsap County Area, Washington, USDA (1980), as having severe hazard of water erosion, including:
        i. Indianola-Kitsap Complex, 45 to 70 percent slope;
        ii. Kitsap Silt Loam, 15 to 30 percent slope, 30 to 45 percent slope;
        iii. Ragnar Fine Sandy Loam, 15 to 30 percent slope; and
        iv. Schneider very gravelly loam, 45 to 70 percent slope;
    b. Classified in the Department of Ecology Coast Zone Atlas as:
        i. Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
        ii. Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
        iii. Class 5, class URS (unstable recent slides); and
    c. Identified by the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001) as rilled slopes/scarps.
11. "Existing development" means a development that was lawfully constructed, approved or established prior to the effective date of the ordinance codified in this chapter.
12. "Fish" means species of the vertebrate taxonomic groups Cephalospidomorphi and Osteichthyes.
13. "Fish and wildlife habitat" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs, streams and wetlands.
14. "Fisheries biologist" means a person with experience and training in fisheries who is able to submit substantially correct reports on fish population surveys, stream surveys and other related data analyses of fisheries resources. "Substantially correct" means that technical or scientific errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a fisheries biologist include:
    a. Either:
    i. Certification by the American Fisheries Society, or;
    ii. Bachelor of Science degree in fisheries or the biological sciences from an accredited institution and five years of professional fisheries experience; and
    b. The prior successful completion of at least three habitat management plans; and
    c. The biologist is listed on a roster of qualified professionals prepared by the Director.
15. "Frequently flooded areas" means lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands. (Also see Chapter 15.16 BIMC, Flood Damage Prevention.)

16. "Functions" means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.
17. "Geologically hazardous areas" means areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas.
18. "Geotechnical engineer" means a practicing geotechnical/civil engineer who has a valid Washington engineering license and a valid certificate of registration in civil engineering, at least four years of professional employment as a geotechnical engineer with experience in landslide evaluation, and appropriate training and experience as specified in Chapter 18.43 RCW.
19. "Habitat Management Plan" (HMP) means a report prepared by a professional wildlife biologist or fisheries biologist which discusses and evaluates critical fish and wildlife habitat functions and identifies and evaluates measures necessary to enhance and improve habitat conservation on a proposed development site.
20. "Habitat of local importance" means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain their population and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or areas of high vulnerability to alteration, such as cliffs and wetlands.
21. "Hazard tree" means a tree with structural defects likely to cause failure of all or part of the tree, which could strike a "target." A target can be a building or a place where people gather such as a park bench, picnic table, street, or backyard. In the case of steep slopes, a hazard tree can also be a tree that is a hazard to stability of the slope, as determined by a geotechnical engineer.
22. "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as specified in RCW 70.105.010. (Also see BIMC 18.06.450 through 18.06.510).
23. "Hydric soil" means soil which is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
24. "Hydrogeologist" means a practicing hydrogeologist who has at least four years of professional employment as a hydrogeologist with experience in the specific subject area in which they are providing a report, and a Washington specialty license in hydrogeology as specified in RCW Chapter 18.220.
25. "Hydrophyte or hydrophytic vegetation" means plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the "Within the Federal delineation manual and Regional supplement or its successor.

26. "Impact of land use" means the relative measure of the intensity of land use used to determine the appropriate buffer widths for wetlands and streams which is categorized as follows:
    a. High impact land use includes commercial development, industrial development, institutional development, residential (more than one unit per acre) development, new agriculture (high-intensity such as dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), and high-intensity recreation such as golf courses and ballfields.
    b. Moderate impact land use includes residential development (1 unit/acre or less), new agriculture (moderate-intensity such as orchard and hay fields), paved trails, and building of logging roads.
    c. Low impact land use includes low-intensity open space such as passive recreation, natural resources preservation, and unpaved trails.
27. "Invasive/exotic species" means plants and animals that are not native to the Puget Sound lowlands and are recognized by wetland professionals or biologists to be highly competitive with native vegetation and animals. Invasive/exotic plant species include those listed on the noxious weed list developed by the Washington State Noxious Weed Board, nonnative blackberries and English ivy. Invasive/exotic animal species include any species, such as rats, bullfrogs, zebra mussels and green crabs, considered by resource professionals to be damaging to the native animal populations.
28. "Landslide hazard areas" means areas which are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic, and hydrologic features. Some of these areas are identified in the Department of Ecology Coastal Zone Atlas and USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001). The presence of these factors shall be determined through assessment, by the least intrusive means, by the City Engineer or at the City Engineer's request by a third party geoengineer or geotechnical expert, prior to issuance of any permit. Landslide hazard areas include the following:
    a. Areas characterized by slopes greater than 15 percent having springs or groundwater seepage and having impermeable soils (typically silt and clay) overlain or frequently interbedded with permeable granular soils (predominantly sand and gravel);
    b. Any area potentially unstable due to rapid stream incision or stream bank erosion;
    c. Any area located on an alluvial fan, debris flow deposit, or in a debris flowpath, presently or potentially subject to impacts or inundation by debris flows or deposition of stream-transported sediments;
    d. Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of competent consolidated rock;
    e. Any area designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas and/or mapped as a landslide or scarp on the USGS Surface Geology Map of Bainbridge Island (Haugerud, 2001); or
29. "Liquefaction" means a process in which a water-saturated soil, upon shaking, suddenly loses strength and behaves as a fluid.
30. "Mitigation categories" means
a. The following specific categories: (need for mitigation ratios)

i. Mitigation, Compensatory: replacing project-induced critical area losses or impacts, including, but not limited to, establishment, re-establishment, rehabilitation or enhancement.

ii. Mitigation, Establishment: Mitigation performed to intentionally establish a critical area (e.g., wetland) at a site where it does not currently exist.

iii. Mitigation, Re-Establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area.

iv. Mitigation, Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes to a degraded critical area.

v. Mitigation, Enhancement: The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change for specific purposes such as water quality improvement, flood water retention, or wildlife habitat.

31. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal maintenance includes removing debris from and cutting or manual removal of vegetation in crossing and bridge areas. Normal maintenance does not include:
    a. Use of fertilizer or pesticide application in wetlands, Fish and Wildlife Habitat Conservation Areas, or their buffers;
    b. Re-digging ditches in wetlands or their buffers to expand the depth and width beyond the original ditch dimensions;
    c. Re-digging existing drainage ditches in order to drain wetlands on lands not classified as existing and ongoing agriculture under Section B-2(C) (Exemptions).
32. "Open space" means undeveloped areas of varied size. Open space often contains distinctive geologic, botanic, zoologic, historic, scenic or other critical area, or natural resource land features.
33. "Ravine" means a V-shaped landform generally having little to no floodplain and normally containing steep slopes, which is deeper than 10 vertical feet as measured from the centerline of the ravine to the top of the slope. Ravines are typically created by the wearing action of streams. The top of the slope is determined where there is a significant change in the slope to generally less that a 15 percent slope.
34. "Reasonable alternative" means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.
35. "Repair" means activities that restore the character, size, or scope of a project only to the previously authorized condition.
36. "Seismic hazard areas" means areas subject to severe risk of damage as a result of seismic induced ground shaking, or surface faulting. While ground shaking is the principal risk because the entire island will shake significantly, severe damage will occur where slope failure, liquefaction, and settlement are induced by the shaking and surface rupture is created by fault movement. The following areas are considered seismic hazard areas:

a. Seismic Landslide Hazard Areas - Slopes which are stable in non-earthquake periods, but fail and slide during ground shaking;

b. Liquefaction Hazard Areas - Areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or liquefaction from ground shaking, or;

c. Fault Hazard Areas - Areas of known surface rupture or significant surface deformation as a result of an active fault movement, including 50 feet on either side.

37. "Site" means the entire lot, series of lots, or parcels on which a development is located or proposed to be located, including all contiguous undeveloped lots or parcels under common ownership.

38. "Streams" means those areas in the City of Bainbridge Island where the surface water flows are sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourses unless they are used by fish or used to convey streams naturally occurring prior to construction of the water course.

39. "Stream Types" means a streams classification system based on fish usage and perennial or seasonal water regime as found in WAC 222-16-030 and meeting the standards listed below.

a. "Type F Stream" means a stream that has suitable fish habitat. If fish usage has not been determined, water having the following characteristics are presumed to have fish use: Streams segments having a defined channel of 2 feet or greater within the bankfull width and having a gradient of 16 percent or less. Determination of fish usage shall use the methodology found in Washington Department of Natural Resource's Forest Practice Board Manual, Section 13.

b. "Type Np" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

c. "Type Ns" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to marine waters, Type F, or Np Waters.

40. "Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, estuaries, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm

ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as result of the construction of a road, street, or highway. Wetland may include those artificial wetland intentionally created from nonwetland areas to mitigate the conversion of wetlands.

41. "Wetland boundary" means the boundary or edge of a wetland as delineated using the methodology found in Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0). (Per WAC173-22-035, or its sucessor.)
42. "Wetland category" means category as defined in "Washington State Wetland Rating System for Western Washington, Revised," Department of Ecology publication #04-06-025, or as revised and adopted by the department.
43. "Wetland classes" means the classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).
44. Wetland Mitigation.
    a. In-kind: To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."
    b. Off-site: To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.
    c. On-site: To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.
    d. Out-of-kind: To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."
45. Wetlands, Regulated.
    a. "Regulated wetlands" means:
        i. All Category I and II wetlands;
        ii. All Category III and Category IV wetlands
    b. Category I, II, III and IV wetlands include:
        i. Lands defined as wetlands shall be those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
        ii. Wetlands created as mitigation and wetlands modified for approved land use activities.
    c. Regulated wetlands do not include artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway.
46. "Wetlands specialist" means a person with experience and training in wetland issues who is able to submit substantially correct reports on wetland delineations, classifications, functional assessments and mitigation plans. "Substantially correct"

means that errors, if any, are minor and do not delay or affect the site plan review process. Qualifications of a wetlands specialist include:

a. Either:

i. Certification as a Professional Wetland Scientist (PWS) or Wetland Professional in Training (WPIT) through the Society of Wetland Scientists, or;

ii. Bachelor of science degree in the biological sciences from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three wetland reports; and

c. The specialist is listed on a roster of qualified professionals prepared by the Director.

47. "Wildlife biologist" means a person with experience and training in the principles of wildlife management and with practical knowledge in the habits, distribution and environmental management of wildlife. Qualifications include:

a. Either:

i. Certification as a professional wildlife biologist through The Wildlife Society, or;

ii. Bachelor of science or bachelor of arts degree in wildlife management, wildlife biology, ecology, zoology, or a related field, from an accredited institution and five years of professional field experience; and

b. The prior successful completion of at least three habitat managements plans; and

c. The biologist is listed on a roster of qualified professionals prepared by the Director.

46. "Zone of Influence" means an area, usually upslope from a geologically hazardous area, where changes in land use and hydrology can affect the stability of the geologically hazardous area. The zone of influence is defined as 300 feet upslope from slopes greater than 40 percent, and 200 feet upslope from slopes greater than 15 percent but less than 40 percent that are determined to be geologically hazardous areas.

B-2. Applicability, exemptions, and prior development activity.

A. Applicability. This appendix establishes regulations for the protection of sites which contain critical areas or are adjacent to sites which contain critical areas in the shoreline jurisdiction. Development and land use activities proposed on critical area sites shall comply with the provisions of this Appendix. No action shall be taken by any person, company, agency, governmental body (including the City), or applicant, which results in any alteration of a critical area except as consistent with the purposes, requirements, objectives, and goals of this chapter.

B. Inventory of Critical Areas. This appendix shall apply to all critical areas located within the shoreline jurisdiction of the city. The approximate location and extent of these areas on Bainbridge Island is displayed on various inventory maps available at the city's Department of Planning and Community Development. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist on Bainbridge Island and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.

C. Exemptions. The following activities are exempt from the requirements of this chapter

1. Emergencies that threaten the public health, safety and welfare. An "emergency" is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this chapter, further definition of "emergency" is in Section 8.0 of the Shoreline Master Program. Restoration

~~or mitigation of critical areas and buffers impacted by emergency action shall be required in a timely matter.~~

~~2. Normal and routine maintenance of structures, landscaping and vegetation that will not further impact or alter critical areas or buffers.~~

~~3. Normal and routine maintenance and operation of pre-existing retention/detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, and fish ponds; provided, that such activities shall not involve conversion of any wetland not currently being used for such activity. Any maintenance of ponds located in stream habitat areas shall require appropriate approval from the Washington Department of Fish and Wildlife.~~

~~4. Structural alterations to buildings that do not increase the structural footprint or introduce new adverse impacts to an adjacent critical area, except for structures located on geologically hazardous areas which are not exempt.~~

~~5. Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation.~~

~~6. Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and Conversion Option Harvest Plans (COHP).~~

~~7. Activities within a portion of a wetland buffer or fish and wildlife habitat area buffer located landward of an existing, substantially developed area, such as a paved area, or permanent structure, which eliminates or greatly reduces the impact of the proposed activities on the wetland or fish and wildlife habitat area. The Director shall review the proposal to determine the likelihood of associated impacts.~~

~~8. Hazard Tree Removal. Where a threat to human life, property, or slope stability is demonstrated, the Director may allow removal of danger or hazard trees subject to the following criteria:~~

~~a. Tree removal is the minimum necessary to balance protection of the critical area and its buffer with protection of life and property; and~~

~~b. The critical area or its buffer shall be replanted as determined by the Director.~~

~~The Director may require the applicant to consult with a professional forester or a certified arborist prior to tree removal. Hazard tree abatement can sometimes be achieved by felling the tree or trimming the tree. Habitat needs may require leaving the fallen tree in the riparian corridor or maintaining a high stump for wildlife habitat.~~

~~9. Aquifer recharge areas. A person, or property, shall be exempt from the provisions of this chapter unless either of the following is true:~~

~~a. The property is located in a fish and wildlife habitat conservation area, frequently flooded area, geologically hazardous area, and/or wetland; or~~

~~b. One of more of the uses identified in Section B-E are proposed.~~

~~D. Standards for existing development.~~

~~1. Existing structures and related improvements. Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2012-4 that do not meet the setback or buffer requirements of this appendix may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section and will result in no net loss of ecological function.~~

2. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2012-4

may be altered if:

a. There is no change in the footprint of the building;

b. The remodel is entirely inside the existing building;

c. There is no further encroachment into the buffers required pursuant to this chapter unless a Variance is first approved

3. Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2012-4 may be altered if:

a. There is no change in the location of the improvement;

b. Any alteration of the improvement is entirely inside of the existing boundaries of the improvement;

c. There is no further encroachment into the buffers unless a Variance is first approved.

4. Alterations permitted by this Section shall not be exempt from applicable City review or permit requirements or other applicable City codes.

B-3. Prescriptive buffers variations.

A. Intent. The City recognizes that in some cases it may not be possible to provide a critical area buffer that meets the dimensions prescribed by this ordinance, due to land area or other constraints. The City further recognizes that in some cases the desired or better critical area protection can be achieved through alternative approaches.

This section provides alternatives that can be pursued in lieu of the prescribed buffers when warranted by site-specific conditions. In considering an application for any of these alternatives, it shall always be the primary intent of the City to protect the functions and values of the critical areas. It is further the intent of the City to ensure that the application of the provisions of this chapter does not deprive an owner from reasonable use of their property.

Any proposed use of the following alternatives shall be supported by analysis utilizing appropriate science, to determine and minimize the impacts of the alternative:

B. Buffer Averaging. If characteristics of the property do not allow reasonable use with prescribed buffers, the Director may allow wetland and/or fish and wildlife conservation area buffer widths to be averaged. It is intended that the process for reviewing a buffer averaging proposal be as simple as possible, while ensuring that the following criteria are met:

1. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging;

2. The applicant demonstrates that such averaging will clearly provide greater protection of the functions and values of critical areas than would be provided by the prescribed habitat buffers.

3. The averaging will not result in reduced buffers next to highly sensitive habitat areas; and

4. The applicant demonstrates one or more of the following:

a. That the wetland contains variations in sensitivity due to existing physical characteristics;

b. That only low intensity uses would be located within 200 feet of areas where the buffer width is reduced, and that such low intensity uses restrictions are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism; or

c. That buffer averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

C. Habitat Management Plan. A Habitat Management Plan may be prepared pursuant to subsection B-4 when it can clearly be demonstrated that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. A Habitat Management Plan may be used as a means to protect wetland and/or fish and wildlife habitat conservation area buffers. Habitat Management Plans may not be used to reduce the water quality buffers for wetlands and/or fish and wildlife habitat conservation areas.

D. Public notice. Appropriate notice of, and opportunity to comment on, the proposed use of any of the foregoing alternatives shall be given to surrounding property owners and the general public, in a manner to be established by the Director.

B-4. Habitat management plan.

A. General. A Habitat Management Plan shall comply with the requirements of this Section, and shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. The Director shall prepare performance standards and monitoring guidelines for Habitat Management Plans, including a program for City oversight of such plans. Once the standards and guidelines are in place, an applicant may propose to implement an HMP as a means to protect habitat buffers associated with wetlands and/or fish and wildlife conservation areas.

B. Intent. HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this Section. An HMP shall not reduce the prescribed water quality buffer width as listed in B-8 and B-10 under any circumstance.

C. Effect of buffers. An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

D. Impact mitigation - general. The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations, dated May 1991, and/or bald eagle protection rules outlined in WAC 232-12-292, as now or hereafter amended, may serve as guidance for this report. For Habitat Management Plans addressing wetland buffers, Method for Assessing Wetland Functions, Ecology Publication #99-116 shall be used for guidance in determining function equivalency. All Habitat Management Plans shall be reviewed by a qualified third party selected by the City. The applicant will be responsible for the cost of the review.

F. Map. The Habitat Management Plan shall contain a map prepared at an easily readable scale, showing:

1. The location of the proposed development site;

2. Property boundaries;

3. The relationship of the site to surrounding topographic, water features, and cultural features;

4. Proposed building locations and arrangements;

5. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision.

G. Report. The Habitat Management Plan shall also contain a report which contains:

1. A description of the nature and intensity of the proposed development;

2. An analysis of the effect of the proposed development, activity or land use change upon the wildlife species and habitat identified for protection. If the Habitat Management Plan is addressing wetland habitat, the analysis shall compare an assessment of wildlife habitat suitability of the wetland applying standard buffers with an assessment of habitat suitability as proposed using Method for Assessing Wetland Functions, Washington State Department of Ecology (if available for the specific Hydrogeomorphic classification); and

3. A plan which identifies how the applicant proposes to mitigate any adverse impacts to wildlife habitats created by the proposed development. For wetland or other habitats protected by this chapter, the application shall show, using the appropriate function assessment methodology, that habitat functions and values are greater after the development than would occur had the prescribed buffers been provided (see Mitigation Plan requirements, Section 16.20.110).

4. All review comments received from outside reviewers. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP.

5. The HMP shall specifically address, as appropriate, the following:

a. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native or equivalent vegetation;

b. The use of alternative on-site wastewater systems in order to minimize site clearing;

c. Infiltration of stormwater where soils permit;

d. Retention of existing native or equivalent vegetation on other portions of the site in order to offset habitat loss from buffer reduction; and

e. The need for fencing and signage along the buffer edge.

H. Mitigation measures. Possible mitigation measures to be included in the report, or required by the Director, could include, but are not limited to:

1. Establishment of buffer zones;

2. Preservation of critically important plants and trees;

3. Limitation of access to habitat areas;

4. Seasonal restriction of construction activities;

5. Establishing phased development requirements; and

6. Monitoring plan for a period necessary to establish that performance standards have been meet. Generally this will be for a period of seven to ten years.

I. HMP adequacy. The HMP shall demonstrate to the satisfaction of the Director that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the Director and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the Washington Department of Fish and Wildlife for HMPs relating to streams or the Washington Department of Ecology for HMPs relating to wetlands. If the State agencies are not available in a timely manner, the applicant may choose to have the City refer the HMPs to a third party consultant at the expense of the applicant. After consultation with such State departments or third party consultant, the Director shall make a final decision on the adequacy of the HMP.

J. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the City grants either final plat approval or an occupancy permit, as applicable.

K. Performance Surety. The Director may require that the applicant provide a performance surety to ensure conformance with mitigation requirements of the habitat management plan pursuant to Section B-4.

B-5. Application requirements.

A. Submittal Requirements. In addition to the general submittal requirements for all applications in the Administration Handbook applications for land use or development proposals within critical areas or their buffers shall be filed with the information requested on the application forms available from the Department of Planning and Community Development. The applicant shall not be granted any approval or permission to conduct development or land use in a critical area and/or its buffer prior to fulfilling the requirements of this chapter.

B. Support Information Requirements. When support information is required by the Director it shall contain the following and be prepared by one or more of the experts listed in Subsection B.4 of this section:

1. A description of the critical areas on or adjoining the site and how the proposed development will or will not impact critical areas, their buffers, and adjoining properties, including:

a. Drainage, surface and subsurface hydrology, and water quality;

b. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and fish and wildlife habitat value; and

c. Other critical area characteristics and functions.

2. Recommended methods for mitigating impacts and a description of how these methods may impact adjacent properties;

3. Any additional information determined as relevant by the Director;

4. Such studies shall be prepared by experts in the area of concern, who shall be selected from a list of approved consultants prepared by the Director, as follows:

a. Aquifer recharge study: Hydrogeologist;

b. Flood hazard area study: Professional civil engineer; hydro-geologist;

c. Geologically hazardous area study: Engineering geologist; geotechnical engineer, provided that:

i. An engineering geologist may provide a study, including interpretation, evaluation, analysis, and application of geological information and data and may predict potential or

likely changes in types and rates of surficial geologic processes due to proposed changes to a location, provided it does not contain recommended methods for mitigating identified impacts, other than avoidance, structural impacts to, or suitability of civil works; and

ii. Engineering geologists may not provide engineering recommendations or design recommendations, but may contribute to a complete geotechnical report that is co-sealed by a geotechnical engineer.

d. Stream, riparian area, drainage corridor study: Biologist with stream ecology expertise; fish or wildlife biologist; a civil engineer may provide studies for drainage, surface and subsurface hydrology, and water quality;

e. Wetland study: Wetlands specialist.

f. Habitat Management Plans: Wildlife biologist and/or fisheries biologist.

5. The Director may in some cases retain experts at the applicant's expense to assist in the review of studies; and

6. Such studies shall be prepared in accordance with procedures established by the Director or City Engineer as specified.

B-6. Mitigation plan requirements.

A. All critical area restoration, creation and/or enhancement projects required pursuant to this appendix either as a permit condition or as a result of an enforcement action shall follow a mitigation plan prepared by an expert approved by the Director. The applicant or violator shall receive written approval of the mitigation plan by the Director prior to commencement. Compensatory mitigation is not required for allowed activities which utilize best management practices to protect the functions and values of regulated critical areas.

B. Purpose of Mitigation Plan. The mitigation plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area. The mitigation plan shall recreate as nearly as possible the original critical area in terms of its acreage, function, geographic location and setting.

C. Mitigation Plan Submittal Requirements. A complete mitigation plan shall consist of plot plans, a written report, and performance bonds, as required below. The plot plans and written report shall be prepared by qualified professionals approved by the Director.

1. Plot Plan Requirements. The following information shall be submitted on one or more plot plans (as determined by the Director):

a. A legal description and a survey (boundary and topography) prepared by a licensed surveyor of the proposed development site, compensation site, and location of existing critical area(s) on each. This shall include wetland delineation and existing wetland acreage.

b. Scaled plot plan(s) indicating:

i. Proposed construction;

ii. Zoning setback and critical area buffer requirements;

iii. Construction phasing and sequence of construction;

iv. Site cross-sections, percent slope, existing and finished grade elevations;

v. Soil and substrate conditions;

vi. Grading and excavation plan, including erosion and sediment control plans needed for construction and long-term survival; substrate stockpiling locations and techniques, and source controls needed for critical area construction and maintenance;

vii. Landscape plans indicating species, types, quantities, locations, size, spacing or density of planting; planting season or timing; planting instructions, watering schedule and nutrient requirements; source of plant materials or seeds; and, where appropriate, measures to protect plants from destruction or predation; and

viii. Water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics, etc.

2. Written Report Requirements. A written report shall accompany the plot plan(s) and shall provide the additional information required below. In addition, the report should be used as needed to clarify or explain elements of the plot plan(s).

a. Baseline Information.

i. Wetland delineation and existing wetland acreage;

ii. Vegetative, faunal and hydrologic characteristics;

iii. Soil and substrate conditions;

iv. Relationship within watershed and to existing streams, wetlands, ponds, or saltwater;

v. Existing and proposed adjacent site conditions; and

vi. Existing and proposed ownership.

b. Environmental Goals and Objectives. The report shall contain a description of the environmental goals and objectives to be met by the compensation plan. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind wetland mitigation, the type of wetland to be emulated. This analysis shall include, but is not limited to the following:

i. Site selection criteria;

ii. Identification of compensation goals;

iii. Identification of functions and values;

iv. Dates for beginning and completion of the project and compensation plan;

v. A complete description of the relationship between and among structures and functions sought;

vi. Review of available literature and/or known like-projects to date in restoring or creating the type of critical area proposed;

vii. Likelihood of success of the proposed compensation project at duplicating the original critical area. This shall be based on experiences of comparable projects identified in the literature review or existing projects, if any; and

viii. Likelihood of the ability of the created or restored critical area to provide the functions and values of the original critical area. This shall be based on such factors as surface water and groundwater supply and flow patterns; dynamics of the ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc.; presence of invasive flora or fauna; potential human or animal disturbance; and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are met and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance, and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. Detailed Specifications. Written specifications and descriptions of compensation techniques shall be provided. These shall include, but not be limited to, items in Subsection C.2 of this Section.

e. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

v. Measuring sedimentation rates, if applicable; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

f. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than seven years.

g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

D. Performance and Maintenance Surety and Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, a surety ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted.

E. City Consultation. The City may consult with and solicit comments from any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes critical areas compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

F. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the Director shall become part of the application for the permit.

B-7. Aquifer recharge areas.

A. Classification. The entirety of Bainbridge Island is the recharge area for the island aquifers. Certain uses must be carefully evaluated before being approved, and others must be prohibited, in order to protect the city's aquifers, due to the following:

1. Bainbridge Island is dependent upon its aquifers as the sole and essential source for drinking water. Critical recharge areas have the potential to affect potable water where an essential source of drinking water is vulnerable to contamination.

2. The island aquifers are vulnerable to pollution that has the potential to create a significant public health hazard. High vulnerability is indicative of land uses which produce contaminants that may degrade groundwater and low vulnerability is indicative of land uses which will not.

3. Susceptibility to pollution is a function of depth of groundwater, permeability of soils, soil types, presence of potential sources of contamination and any other relevant factors.

4. Soil types that transfer water to the aquifer are rated in terms of infiltration rate. Soil types with the high infiltration rates are associated with areas of high aquifer recharge. The rates and soil types are defined by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Kitsap County.

5. The island aquifers are vulnerable to a reduction in recharge from activities that reduce the infiltration rate on a site.

B. Hydrogeologic Assessment. The following proposed activities will require the preparation of a hydrogeologic assessment:

1. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;

2. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day; or

3. Any other activity determined by the Director likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.

C. Hydrogeologic Assessment Requirements. A hydrogeologic assessment shall include, at a minimum, the following site and proposal-related information:

1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

2. Ground water depth, flow direction, and gradient based on available information;

3. Currently available data on wells and springs within 1,300 feet of the project area;

4. Location of other critical areas, including surface waters, within 1,300 feet of the project area;

5. Available historic water quality data for the area to be affected by the proposed activity;

6. Best management practices proposed to be utilized to protect groundwater quality; and

7. Low impact development practices designed to maintain infiltration rates to the underlying aquifers.

D. Performance Standards – Specific Uses.

1. Storage Tanks. All storage tanks proposed in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

a. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Prevent releases due to corrosion or structural failure for the operational life of the tank;

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

b. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;

ii. Have a primary containment area enclosing or underlying the tank or part thereof; and

iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

2. Vehicle Repair and Servicing

a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

b. No dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.

3. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

4. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the state departments of Ecology and Health.

a. Use of reclaimed water for surface percolation must meet the ground water recharge criteria given in Chapter 90.46.080(1) and Chapter 90.46.010(10) RCW. The state Department of Ecology may establish additional discharge limits in accordance with Chapter 90.46.080(2) RCW.

b. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

5. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Table 1: Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle

Activity	Statute – Regulation – Guidance
	and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (*Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)*	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC

Activity	Statute – Regulation – Guidance
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

E. Prohibited Uses. Uses Prohibited In Aquifer Recharge Areas. The following activities and uses are prohibited in Aquifer Recharge Areas:

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

2. Underground Injection Wells. Class I, III, and IV wells and subclasses of Class V wells;

3. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);

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

5. Other Prohibited Uses or Activities:

a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

b. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

B-8. Fish and wildlife habitat conservation areas.

A. Purpose. This section applies to all Fish and Wildlife Habitat Conservation Areas, as categorized in Subsection B-8 (B) below. The intent of this Section is to:

1. Preserve natural flood control, stormwater storage, and drainage or stream flow patterns;

2. Control siltation, protect nutrient reserves, and maintain stream flows and stream quality for fish and marine shellfish;

3. Prevent turbidity and pollution of streams and fish or shellfish bearing waters;

4. Preserve and protect habitat adequate to support viable populations of native wildlife and fish on Bainbridge Island; and,

5. Encourage non-regulatory methods of habitat retention whenever practical, through education and the Open Space Tax Program.

B. Fish and Wildlife Habitat Conservation Areas Categories.

1. Classification. The following categories shall be used in classifying Fish and Wildlife Habitat Conservation Areas:

a. Marine Critical Areas. Commercial and recreational shellfish areas; kelp and eelgrass beds; marine and estuarine waters of the state and herring, sand lance and smelt spawning areas.

b. Streams: All streams which meet the criteria for Type F, Np and Ns waters as set forth in WAC 222-16-030 of the Department of Natural Resources Water Typing System and as further modified by the definitions in this appendix. Once a stream has been classified, the City must document the reasons for changes in the classification.

~~c. Fish and Wildlife Conservation Areas:~~

~~i. Class I Fish and Wildlife Conservation Areas. Habitats recognized by federal or state agencies for federal and/or state listed endangered, threatened, and sensitive species documented in maps or data bases available to the City of Bainbridge Island and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.~~

~~ii. Class II Fish and Wildlife Conservation Areas. Habitats for State listed candidate, monitor, or priority species documented in maps or data bases available to City of Bainbridge Island and its citizens, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.~~

~~d. Habitats and Species of Local Importance. This section provides for the designation and protection of habitats and species of local importance.~~

~~i. Designation of species of habitat of local importance can be based on any of the following circumstances:~~

~~(a) Local populations of native species are in danger of extirpation based on existing trends.~~

~~(b) Local populations of native species are likely to become threatened or endangered under state of federal law.~~

~~(c) Local populations of native species are vulnerable or declining.~~

~~(d) The species or habitat has recreation, commercial, game, tribal, or other special value.~~

~~(e) Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat.~~

~~(f) Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the city.~~

~~(g) Without protection, there is likelihood that the species or habitat will be diminished over the long term.~~

~~ii. Nomination.~~

~~(a) Any person may nominate habitats and species for designation.~~

~~(b) The nomination should indicate whether specific habitat features are to be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety.~~

~~(c) Where the nomination is a specific habitat site, the nomination shall include the name and address of all property owners of record of all assessor parcels within the area potentially affected by the management recommendations. The list shall at a minimum include all properties within 300 feet from the edge of all property identified for special designation.~~

~~(d) The nomination shall include recommended management strategies for the species or habitats. Management strategies must be supported by the best available science, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.~~

~~iii. Nomination processing and approval. The decision whether to designate a nominated species or habitat as one of local importance shall be made by the City Council. If approved, the City Council shall pass an ordinance establishing the designation.~~

~~iv. Establishment of specific rules for protection. Within 120 days of the effective date of an ordinance designating a species or habitat of local importance, the Director shall develop an administrative rule addressing protection in compliance with this section.~~

C. Development Standards. Regulated uses in designated Fish and Wildlife Habitat Conservation Areas and/or buffers shall comply with the performance standards outlined in this Section.

1. Development standards – streams:

a. Water quality buffers – An applicant shall provide the prescribed water quality buffers in Table 2 unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

b. Habitat buffers – An applicant shall provide either:

i. The prescribed habitat buffers in Table 2; or

ii. An approved Habitat Management Plan, pursuant to Section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in Table 2.

c. Buffer distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting native or equivalent vegetation as approved by the Director.

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

e. Refuse and landscaping debris shall not be placed in buffers.

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

i. The buffer width required for the stream type; or

ii. A buffer width which extends 25 feet beyond the top of the ravine.

h. Building Setback Line. A building surface setback line of 15 feet is required from the edge of any fish and wildlife habitat conservation area buffer except as provided for in Section B-11. Minor structures such as decks or impervious surfaces such as driveways may be permitted if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area. The setback shall be identified on the site plan and filed as an attachment to the notice on title.

Table 2: Stream Buffers

Stream Category	Water Quality Buffer	Habitat Buffer	Total Buffer
Fish Bearing (F)	100 ft	50 ft	150 ft
Non-Fish Perennial (Np)	40 ft	10 ft	50 ft
Non-Fish Seasonal (Ns)	40 ft	10 ft	50 ft

3. Class I Fish and Wildlife Conservation Areas Development Standards. All development as described within this chapter or within 200 feet of designated Class I Wildlife Conservation Areas shall adhere to the following standards:

a. The applicant shall submit a Habitat Management Plan as specified in Section B- 4 for approval by the Director. If a wildlife conservation area designation is based on the presence of bald eagles, a Bald Eagle Management Plan, approved by the Washington State Department of Fish and Wildlife and meeting the requirements and guidelines of

the bald eagle protection rules, WAC 232-12-292(or its successor), as now or hereafter amended, shall satisfy the requirements for a Habitat Management Plan (HMP).

b. All new development within ranges and habitat elements with which Class I Fish and Wildlife have a significant relationship may require the submittal of a Habitat Management Plan (HMP) as specified in Section B- 4. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

c. An HMP required pursuant to this section shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation.

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

4. Class II Fish and Wildlife Conservation Area Development Standards. All development within designated Class II Wildlife Conservation Areas shall adhere to the following standards:

a. An HMP may be required for any proposed development within designated Class II Fish and Wildlife Conservation Areas. The HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native or equivalent vegetation. The requirement for an HMP shall be determined during the SEPA/Critical Areas review on the project.

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

5. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter, shall comply with the following minimum development standards:

a. Bridges or bottomless culverts shall be required for all streams which have Salmonid breeding habitat. Other alternatives may be allowed upon submittal of a Habitat Management Plan which demonstrates that other alternatives would not result in significant impacts to the Fish and Wildlife Conservation Area, as determined appropriate through the Washington State Department of Fish and Wildlife, Hydraulics Project Approval process. The plan must demonstrate that salmon habitat will be replaced on a 1:1 ratio.

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

c. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary, high water marks unless no other feasible alternative placement exists;
d. Crossings shall not diminish flood carrying capacity;
e. Crossings shall serve multiple properties whenever possible;
f. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.
6. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval:
a. The channel, bank, and buffer areas should be replanted with native or equivalent vegetation that replicates a natural, undisturbed riparian condition;
b. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section B-1, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and
c. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.
7. Pesticides, Fertilizers and Herbicides. Use of pesticides, fertilizers, herbicides are regulated by Section 4.1.7 of the Shoreline Master Program
8. Land Divisions and Land Use Permits. All land divisions and land uses proposed on a site that includes Fish and Wildlife Habitat Conservation Areas shall comply with the following procedures and development standards:
a. The open water area of lakes, streams, and tidal lands shall not be permitted for use in calculating minimum lot area.
b. Land division approvals shall be conditioned so that all required buffers are designated as an easement or covenant encumbering the buffer. Such easement or covenant shall be recorded together with the land division and represented on the final plat, short plat or binding site plan.
c. In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for habitat conservation areas. Each lot must also have access and a sewage disposal system location that are suitable for development which do not adversely impact the Fish and Wildlife Conservation Area.
d. After preliminary approval and prior to final land division approval, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the aquatic buffer.
10. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed in Fish and Wildlife Habitat Conservation Areas or their buffers pursuant to the following standards:

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

b. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

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

d. Trails, in general, shall be set back from streams so that there will be no or minimal impact to the stream from trail use or maintenance. Elevated trails which protect or enchance ecological functions shall be used to the maximum extent feasible. Trails shall be constructed with pervious surfaces when feasible.

12. Stream Bank Stabilization.

a. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a Building Permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of Fish and Wildlife Habitat, flood control, and improved water quality.

b. Where bank stabilization is determined to be necessary, bioengineering or other non-structural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the structure. The Director may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. Bank stabilization projects may also require a City of Bainbridge Island clearing or grading permit and Hydraulic Project Approval from the Washington Department of Fish and Wildlife.

c. Nonstructural streambank protective techniques are preferred to bulkheads or other types of streambank armoring. Nonstructural techniques include but are not limited to vegetation plantings and bioengineering.

13. Fencing and Signs. Prior to approval or issuance of permits for land divisions or other new development, the Director may require that the common boundary between a required buffer and the adjacent lands be identified using fencing or permanent signs. In lieu of fencing or signs, alternative methods of buffer identification may be approved when such methods are determined by the Director to provide adequate protection to the buffer.

B-9. Geologically hazardous areas.

A. General. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas. Zone of influence areas are not considered geologically hazardous areas.

B. Purpose. The intent of this section is to prevent the potential for personal injury or loss of life or property due to flooding, erosion, landslides, seismic events, or soil subsidence. Development must not increase slope instability, and must avoid on-site and off-site impacts, as well as potential risk to structures. Preserving the existing vegetation may be an important part of minimizing those risks.

C. Classification. Geologically hazardous areas shall be classified based upon landslide history and the presence of unstable soils, steepness of slopes, erosion potential, and seismic hazards. Areas in this category are a potential threat to public health, safety, and welfare when construction is allowed. While some potential risk due to construction can be reduced through structural engineering design, construction in these areas should be avoided when the potential risk cannot be reduced to a level comparable to the risk if the site were initially stable prior to construction. Classification and rating shall be based upon the risk to the environment and to development in geologically hazardous areas.

D. Minimum Submittal Requirements.

1. All geologically hazardous areas and buffers.

a. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers. The form of the agreement shall be approved by the City and executed prior to the commencement of construction or site alteration.

b. Notice A notice of intent to construct on a landslide hazard area or reduce the minimum buffer in a landslide hazard area shall be given pursuant to BIMC 2.16. 20. The notice of intent shall be issued within 14 days of a completed application pursuant to BIMC 2.16.020(5). The notice shall include a 21-day comment period and no permits or approval of reduced buffers shall be issued before the end of the comment period.

c. All reports or analyses required or prepared pursuant to this Section shall be prepared pursuant to Section B-5, B-9 and/or any other applicable provisions of this appendix, and shall meet the satisfaction of, and be approved by, the City Engineer prior to the commencement of any development activity.

d. To protect public health, safety and welfare, the City Engineer may call for a third party review of any geotechnical report in cases where there may be potential for substantial damage to life, property or the environment should the proposed engineering solution fail. When a third party review is required, costs incurred for a qualified third party geotechnical engineer to perform the review shall be borne by the applicant.

e. Geological Hazards Assessment. A Critical Area report is required for all projects in geologically hazardous areas and buffers and shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

i. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:

A. The type and extent of geologic hazard areas, any other Critical Areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;

B. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;

C. The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and

D. Clearing limits.

ii. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

A. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;

B. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

C. A description of the vulnerability of the site to seismic and other geologic events.

iii. Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

iv. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis. Where the recommended buffers are less than the standard buffers set forth in section Section B-9(E)(2)(a) the rationale and basis for the reduced buffer shall be clearly articulated and demonstrate that the protection standard set forth in that section has been met.

f. Incorporation of Previous Study. Where a valid Critical Areas report has been prepared for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.

g. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected life span of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

h. In addition to the general Critical Area report requirements of section B-9(D) Critical Area reports for geologically hazardous areas must meet requirements of this section. Critical

Area reports for two or more types of Critical Areas must meet the report requirements for each relevant type of Critical Area.

2 Landslide Hazard and Erosion Hazard Areas. In addition to the basic Critical Areas report, a Critical Area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

a. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the City prior to the issuance of a clearing or grading permit, in accordance with BIMC 15.20.

b. The applicant shall provide a geotechnical analysis containing the following information:

i. Site Plan. The Critical Area report shall include a copy of the site plan for the proposal showing:

A. The height of slope, slope gradient, and cross-section of the project area;

B. The location of springs, seeps, or other surface expressions of ground water on or a zone or distance of potential significant influence as determined by a professional engineer/ geologist; and

C. The location and description of surface water run-off features.

ii. Hazards Analysis. The hazards analysis component of the Critical Areas report shall specifically include:

A. A description of the extent and type of vegetative cover;

B. A description of subsurface conditions based on data from site-specific explorations;

C. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;

D. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;

E.. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;

F. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;

G. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;

H. Recommendations for building siting limitations; and

I. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

iii. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

A. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;

B. Recommendations for drainage and subdrainage improvements;

C. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and

D. Mitigation of adverse site conditions including slope stabilization measures for seismically unstable soils, surface water management, location and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability if appropriate.

3. Seismic Hazards Areas. In addition to the basic report requirements, a Critical Area report for a seismic hazard area shall also meet the following requirements:

a. Fault Hazard. The applicant shall provide a geologic/geotechnical analysis containing information specified by the City Engineer that documents the presence or absence of any surface deformation on the site in areas mapped by the City. If deformation is located, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer, which concludes that the development proposal as mitigated meets the standards of this section.

b. Liquefaction Hazard. The applicant shall provide a geotechnical analysis containing information specified by the City Engineer that meets the standards of this section (as mitigated).

c. Seismic Landslide Hazard. The applicant shall provide the same analysis and plan as required for landslide hazard areas, pursuant to Section B-9(D).

4. Tsunami Hazards. The City shall provide applicants for development in low lying shoreline areas and other areas where flood elevation is controlled by tide level with information on tsunami hazards.(may need revision)

5. Zone of Influence Areas beyond the established buffer. The applicant shall have the surface and storm water management plan (See BIMC 15.20)for the project reviewed by a geotechnical engineer to determine if there is any potentially adverse impacts to the landslide hazardous area. If the geotechnical engineer or the City Engineer determines that there are potential adverse impacts, the applicant shall provide a geotechnical analysis containing information specified by the City Engineer which analyzes the potential impacts to the geological hazard from the proposed development in the zone of influence and meets the standards of this section. The report shall contain recommendations to avoid adverse impacts to the geologically hazardous area. Concentrated discharge of stormwater shall only be allowed where specially recommended in the report and authorized by the City Engineer."

E. Development Standards.

1. General Requirements. The City Engineer shall establish administrative procedures to implement this section. The applicant shall meet the following standards for all new activities permitted in geologically hazardous areas or associated buffers:

a. The proposed activity shall not create a net increase in geological instability, either on- or off-site, which is defined as follows:

i. The subject parcel shall not be less stable after the planned development than before; and

ii. The adjacent parcels shall not have greater risk or be less stable after the planned development than before.

b. The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

c. The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

i. Property loss of any habitable structures or their necessary supporting infrastructure on-site or;

ii. Risk to any off-site structures or property of any kind; and

d. Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.

e. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.0 for dynamic conditions. Analysis of dynamic conditions shall be based on the minimum horizontal acceleration for the probabilistic maximum considered earthquake as established by the currently adopted version of the International Building Code.

f. The proposed activity shall not further degrade the values and functions of the associated critical areas.

2. Redevelopment of existing structures

a. If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure.

b. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer deminsions in B-9(E)(3)(i);

3. Development Design and Location. The following requirements shall apply to any land or vegetation modification or construction within a landslide hazard area and/or its buffer as described herein:

a. Buffer Requirement: A buffer equal to the height of the slope or fifty (50) feet, whichever is greater, shall be established from all edges of a landslide hazard area except where no other reasonable alternative exists, reduction may be allowed as follows:

i. Buffer Reduction.

A. Buffer reductions may be allowed provided a critical areas report, pursuant to Section B-9(D)(1)(2) and any other related section of Appendix B, demonstrates to the Director that the buffer reduction will not reduce the level of protection to the proposed development, adjacent properties, and other associated critical areas as required by Section B-9(E)(1).

B. For slopes forty (40) percent or greater the buffer may in no case be reduced to less than ten (10) feet. A decision by the Director to reduce buffer shall be based on a critical areas report pursuant Section B-9(D)(1)(2) that may includes a third-party independent review by a qualified geotechnical engineer pursuant to BIMC Section B-9(D)(1)(d);

ii. Increased Buffer. The buffer may be increased beyond that specified in subsection (a) above if the Director determines a larger buffer is necessary to prevent risk of damage to proposed development, adjacent development, and uses and the associated critical areas;

iii. Building Setback. All building and structures shall have a minimum setback of (15) feet from the outer edge of the buffer around landslide hazard areas to allow for construction activity; and

iv. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

b. All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;

c. Development design shall utilize clustering, under-structure parking, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;

d. Access shall be in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

e. Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;

f. All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;

g. Cut and fill slopes shall be prepared and maintained to control against erosion and instability;

h. Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts. The proposed activities shall not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition; and

F. Exemptions. The following activities are permitted in geologically hazardous areas or associated buffers; provided, that the applicant can demonstrate that applicable standards in Subsection B-9(E)(1) can be met, or where the applicant has demonstrated through a Critical Areas report prepared by a geotechnical engineer in accordance with the specifications of the City Engineer that no adverse impact will result from the proposal and where approved surface water drainage will result in minimum slope and vegetation disturbance:

1. Surface Water Management: Slopes or buffers may be used for approved surface water conveyance if no other reasonable alternative route is available. Installation techniques shall minimize disturbance to the slope and vegetation.

2. The construction of approved public or private trails; provided, they are constructed of material, for example cable lift access, which will not contribute to surface water runoff;

3. The construction of public or private utility corridors or streets; provided, it has been demonstrated that such alterations will not increase landslide or erosion risks through required analysis pursuant to section B-9(D)(1) and the City determines that no other feasible alternative exists;

4. Select Vegetation Removal Activities. The following vegetation removal activities are allowed, provided that no vegetation shall be removed from a geologically hazardous area or its buffer without approval from the Director;

a. Removal of noxious weeds using non-motorized equipment or light equipment if approved by the Director. Provision for the use of herbicides are in Section 4.1.7 of the Shoreline Master Program. Bare areas remaining after weed removal shall be re-vegetated with native plant species pursuant to an enhancement plan approved by the City.

b. Removal and pruning of hazard trees as defined ISA (International Society of Arboriculture) standards by provided that a ISA certified arborist documents the hazard

and provides a report to the Director for review and approval. Replacement shall be based on the recommendations of the arborist and geotechnical engineer and approved by the Director. The Director may require a second opinion from a certified ISA arborist in cases of removal of hazard trees. Mitigation for tree removal shall follow Section 4.1.2 of the Shoreline Master Program and the following

i. Size of trees shall be approved by the Director. and

ii.The landowner shall ensure 100% survival of replacement trees.

5. The trimming and limbing of vegetation for the creation and maintenance of view corridors in accordance with the pruning standards of the International Society of Arboriculture; provided, that the soils are not disturbed and activity will not increase the risk of landslide or erosion. All vegetation removal must be based on a bluff management plan (SMP Section 4.1.5) developed by a certified arborist and reviewed by a geotechnical engineer to determine if it will impact slope stability. A clearing permit will be required prior to the any vegetation removal.

6. Limited Exemption - For landslide areas 40% or greater with a vertical elevation change of up to twenty (20) feet may be exempted from section B-9(E)(2)(i) based on the City review and acceptance of a Critical Areas report from a geologist or licensed geotechnical engineer in accordance with section B-9(D) when no adverse impact will result from the exemption.

B-10. Wetlands.

A. Purpose. This section applies to all regulated uses within or adjacent to areas designated as wetlands, as categorized in section B-10(B) below. The intent of this Section is listed in no specific priority, as follows:

1. Preserve, protect, restore, and improve wetland functions and values. Achieve no net loss and increase the quality of wetland acreage, functions, and values within the city. Mitigation measures, as conditions of permits, must have a reasonable expectation of success. Under the conditions of this Section, the Director may deny development proposals that would irreparably impact regulated wetlands; and

2. Protect the public's health, safety, and welfare, while preventing public expenditures that could arise from improper wetland uses and activities; and

3. Plan wetland uses and activities in a manner that protects and enhances the natural systems and environmental quality of Bainbridge Island and allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this chapter; and

4. Preserve ecological functions and values of wetlands which provide water quality protection, natural flood control, stormwater storage, contributes to groundwater and stream flow, shoreline stabilization, and wildlife and fish habitat; and

5. Prevent turbidity and pollution of wetlands and fish or shellfish bearing waters, and maintain healthy wildlife habitat; and

6. Encourage land use development patterns that maintain, enhance, or restore natural wetland systems and protect disturbance-sensitive and wetland-dependent wildlife, fish resources, and open space; and

7. Protect and preserve wetlands values as natural areas providing aesthetic, recreational, and educational opportunities that need to be preserved for future generations; and

8. Enhance the connectivity between wetland landscapes.

B. Wetland Delineation and Categories. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Bainbridge Island meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

The City uses the Department of Ecology's (DOE's) Washington State Wetland Rating System for Western Washington, 2004, or as amended hereafter and adopted by the Director to categorize wetlands for the purposes of establishing wetland buffer widths, wetland uses and replacement ratios for wetlands. Once a wetland has been classified using the current DOE rating system, the City shall not reclassify the wetland without clearly documenting the reason for the change. If the wetland has a rating in the City GIS system, this rating can be used for regulatory purposes. This system consists of four wetland categories generally described as follows:

1. Category I wetlands are those that:

a. Represent unique or rare wetland type; or

b. Are more sensitive to disturbance than most wetlands; or

c. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

d. Provide a high level of function.

Category I wetlands include estuarine wetlands larger than one acre, bogs, mature and old-growth wetlands over one acre, wetlands in coastal lagoons, and wetlands that perform many functions very well as demonstrated by a score of over 70 points using the DOE rating system.

2. Category II wetlands are difficult, though not impossible, to replace, and provide a high level of function. Category II wetlands include estuarine wetlands smaller than one acre or disturbed and larger than one acre and wetlands that perform functions well as demonstrated by a score of 51-69 using the DOE rating system.

3. Category III wetlands are wetlands with a moderate level of function as demonstrated by a score of 30-50 points using the DOE rating system.

4. Category IV wetlands have the lowest level of function as demonstrated by a score less than 30 points using the DOE rating system and are often heavily disturbed.

C. Regulated and Non-Regulated Wetlands Classification.

1. Regulated Wetlands:

a. All natural wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0)

b. Unintentionally created wetlands that meet the criteria in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Cost Region (Version 2.0) except as listed in subsection (C)(2)(b) of this section.

c. Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

2. Non-Regulated Wetlands:

a. Created Wetlands. Wetlands created intentionally from a non-wetland site that was not required to be constructed as mitigation for adverse wetland impacts. These may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals,

detention facilities, wastewater treatment ponds, farm ponds not contiguous, as defined in this chapter, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a non-wetland site. Where enhancements or restorations are made to wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

b.. Recent, Road Construction Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

D. Development Standards.

1. Water quality buffers – An applicant shall provide the prescribed water quality buffers in this section (Tables 3-6) unless relief is granted through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

2. Habitat buffers – An applicant shall provide either:

a. The prescribed habitat buffers specified in this section (Tables 3, 4, 5, and 6); or

b. An approved Habitat Management Plan, pursuant to section B-4, that clearly provides greater habitat functions and values in perpetuity than the prescribed habitat buffers in this section (Tables 3, 4, 5, and 6).

3. Buffers. Buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Any buffer enhancement and/or limited view clearing activity must be reviewed and approved by the Director. No refuse shall be placed in the buffer. Alteration of habitat buffer areas may be allowed for water-dependent and water-related activities and for development authorized by Section B-2 (C) (Exemptions), or Section B-2(D)(Standards for Existing Development), or Section B-3(3) (Buffer Averaging), or through SMP Section 4.2.1.7 nonconforming lot or through a shoreline variance.

4. If a wetland meets more than one of the criteria listed in each table, the buffer needed to protect the wetland is the widest one.Table 3: Category I Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Natural Heritage Wetlands	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional discharge of surface water. No septic systems within 300 ft. Restore degraded parts of the buffer
Bogs	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	No additional surface discharges. Restore degraded parts of the buffer.

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Forested	Low Moderate High	50 ft 75 ft 100 ft	75 ft 115 ft 150 ft	125 ft 190 ft 250 ft	If forested wetland scores high for habitat, maintain connectivity to other natural areas.
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
Wetlands in Coastal Lagoon	Low Moderate High	50 ft 75 ft 100 ft	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	N/A
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas. Restore degraded parts of the buffer.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
High level of function for water quality improvement and low for habitat (score for water quality 24-32 pts.; habitat less than 20 pts.)	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	No additional discharges of untreated runoff.
Not meeting any of the above criteria.	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 4: Category II Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
High level of function for habitat (score for habitat is 29-36 pts.)	Low Moderate High	50 ft 75 ft 100 ft	100 ft 150 ft 200 ft	150 ft 225 ft 300 ft	Maintain connectivity to other natural areas.
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 50 ft	75 ft 110 ft 150 ft	N/A
Estuarine	Low Moderate High	50 ft 75 ft 100 ft	25 ft 35 ft 15 ft	75 ft 110 ft 115 ft	N/A
Not meeting any of the above criteria	Low Moderate High	50 ft 75 ft 100 ft	0 ft 0 ft 0 ft	50 ft 75 ft 100 ft	N/A

Table 5: Category III Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Moderate level of function for habitat (score for habitat is 20-28 pts.)	Low Moderate High	40 ft 60 ft 80 ft	35 ft 50 ft 70 ft	75 ft 110 ft 150 ft	N/A
Not meeting above criterion	Low Moderate High	60 ft 60 ft 80 ft	0 ft 0 ft 0 ft	60 ft 60 ft 80 ft	N/A

Table 6: Category IV Wetlands - Buffers

Wetland Characteristics	Impact of Land Use (See Definitions)	Water Quality Buffer	Habitat Buffer	Total Buffer	Other Protection
Larger than 10,000 square feet	Low Moderate High	40 ft 40 ft 50 ft	0 ft 0 ft 0 ft	40 ft 40 ft 50 ft	N/A
Smaller than 10,000 square feet	Low Moderate High	40 ft 40 ft 40 ft	0 ft 0 ft 0 ft	40 ft 40 ft 40 ft	N/A

a. For Category II or III wetlands smaller than 10,000 square feet with a habitat score of less than 20 points, the buffer may be reduced by 50 percent.

b. For the purpose of determining the impact of land use, unless the Director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined based on the "impact of land use" definition.

5. If an applicant elects to propose an HMP, and that HMP proposes habitat buffer widths less than those prescribed in Tables 3 – 6, the HMP shall be prepared pursuant to Section B-4 and fulfill all requirements specified therein.

6. Table 7 provides examples of measures that might be provided in an HMP or when prescribed buffers are otherwise altered to minimize impacts of certain activities. Other

measures may also be effective in minimizing impacts depending on site-specific circumstances and the nature of proposed activity.

Table 7: Examples of measures to minimize impacts to wetlands from different types of activities.

Examples of Disturbance	Examples of Measures to Minimize Impacts	Activities that Cause the Disturbance
Lights	Direct lights away from wetland.	Parking lots, warehouses, manufacturing, residential
Noise	Locate activity that generates noise away from wetland.	Manufacturing, residential
Toxic runoff*	Route all new runoff away from wetland. Establish covenants limiting use of pesticides within 150 ft of wetland. Apply integrated pest management.	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain, and disperse new runoff into buffer.	Impermeable surfaces, lawns, tilling
Pets	Plant dense vegetation around buffer, such as rose, hawthorn, etc.	Residential areas
Human disturbance	Plant buffer with impenetrable natural vegetation appropriate for region.	Residential areas
Dust	Utilize best management practices to control dust.	Tilled fields
* These examples are not necessarily adequate to meet the rules for minimizing toxic runoff if threatened or endangered species are present at the site.		

7. Buffer Measurement. All buffers shall be measured on a horizontal plane from the regulated wetland edge as marked in the field.
8. Fencing and Signs. This section applies to those wetlands and their buffers that are within 200 feet of regulated development activities.

a. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the Director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per City approval.

b. The Director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer. The Director may approve an alternate method of wetland and buffer identification, if it provides adequate protection to the wetland and buffer.

9. Building or Impervious Surface Setback Lines. A building or impervious surface setback line of 15 feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback may be permitted if the Director determines that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan and filed as an attachment to a notice on title.

E. Regulated Uses And Activities. New development activities on properties containing regulated wetlands and buffers are subject to the development standards in this section, as permitted in the underlying zoning designation. Requirements for additional activities are specified in Table 8. The City may grant exceptions to these uses and activities according to the intent and specifications of this chapter. All authorized uses and activities in a regulated wetland or its buffer shall be subject to conditions established by the Director and may be subject to mitigation as required by this chapter. Development shall be classified as "allowed," "permitted," "special use" or "prohibited" according to this Section. Any regulated uses not specifically listed in Table 8 and Table 4 of the Shoreline Master Program shall be considered unclassified and may be allowed if granted a special use review in accordance with this chapter and the Shoreline Master Program. For the purpose of Table 8, "W" and "B" refer to the terms "wetland" and "buffer."

Table 8: Regulated Uses and Activities in Regulated Wetlands and Buffers

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
1. Draining Wetlands (associated with no other permitted use, except as allowed under Section 120.C)	X	N/A	X	N/A	X	N/A	X	N/A
Driving of Piles	X	X	S	S	S	S	P	P
2. Educational or Scientific Activities	P	P	P	P	P	P	P	P
3. Enhancement	S	S	P	P	P	P	P	P
4. Excavation (not associated with enhancement)	X	X	S	S	S	S	S	S
5. Fill (associated with no other use)	X	X	X	X	X	X	X	X
6. Fish Hatchery	X	X	S	S	S	S	S	S
7. Flooding (associated with no other use)	X	X	S	S	S	S	S	S
8. Forest Practice-Class IV General or COHP	X	X	X	X	X	X	X	X
9. Golf Course	X	X	X	X	S	S	S	S
10. Land Division	P	P	P	P	P	P	P	P
11. Parks Development-Public & Private	S	S	S	S	S	S	P	P
12. Placing of Obstruction	X	X	X	X	X	X	X	X
13. Public Facility	X	X	X	S	S	S	S	S

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
14. Public Project of Significant Importance	S	S	S	S	S	S	S	S
15. Radio/TV Towers	X	X	S	S	S	S	S	S
16. Restoration/Revegetation of Site	S	S	P	P	P	P	P	P
17. Road/Street-Public/Private Access A) Expand within existing ROW B) New Facilities	S X	S X	S S	S S	S S	S S	P S	P S
18. Signs-(Interpretation, Hazard, Critical Area Boundary, Survey Markers)	P	P	P	P	P	P	P	P
19. Site Investigation (non-mechanized)	A	A	A	A	A	A	A	A
Site Investigation (mechanized)	P	P	P	P	P	P	P	P
20. Trails and Trail Related Facilities	P	P	P	P	P	P	P	P
21. Utility Facility	X	X	S	S	S	S	S	S
22. Utility-On-Site Sewage Facility	X	X	X	S	X	S	X	S
23. Utility Line-Overhead	S	S	S	S	S	S	P	P

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

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

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

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

a. Density Calculation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Minimize the amount of clearing and grading;

c. Elevate structures where possible;

d. Avoid impacting the flow of water;

e. Use appropriate building materials; and

f. Minimize the impacts of construction.

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

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

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

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

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

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

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

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

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

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

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

a. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;
b. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals and plans; and
c. Provide for the long-term protection and management of the compensation area to avoid further development or degradation.
5. Acreage Replacement Ratio. Any applicant proposing to alter wetlands may propose to reestablish, create, rehabititate, or enhance wetlands in order to compensate for the wetland losses.
a. Replacement Ratios for Wetlands. Table 9 provides the required replacement ratios for the reestablishment or creation, rehabilitation, or enhancement of a wetland. The first number specifies the replacement acreage of wetlands and the second specifies the acreage of wetlands altered.

Table 9: Replacement Ratios for Wetlands

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

b. Replacement ratios for buffers shall be 1:1.
c. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:
i. Uncertainty as to the probable success of the proposed rehabitiation or creation;
ii. Significant period of time between destruction and replication of wetland functions; or
iii. Projected losses in functional value.
d. Decreased Replacement Ratio. The Director may decrease these ratios when there are findings of special studies coordinated with agencies with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.
e. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Upland sites which were formerly wetlands;

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

iii. Other disturbed upland.

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

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

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

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

B-11. Frequently Flooded Areas

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

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

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

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

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

B. Standards.

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

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

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

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

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

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

A. "Option A" – Prescriptive Standards.

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

Winslow Ravine Stream within the MUTC.			

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

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

Table I – Shoreline Study Requirements

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

Footnotes:

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

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

Appendix C

Buffer Recommendation Memorandums

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: City Council

FROM: Libby Hudson, Long Range Planning Manager
Ryan Ericson, Associate Planner

DATE: August 11, 2011

RE: Herrera Environmental Consultants Memorandum documenting Marine Shoreline Buffer Recommendation Discussions
City Council Special Meeting of August 16, 2011

The attached memorandum has been provided by the City's scientific consultants, Herrera Environmental Consultants, to assist the City in developing buffer recommendations as part of the Shoreline Master Program Update process. The memo is intended to be utilized by the citizen workgroups, Planning Commission and City Council in reviewing and updating the vegetation conservation buffer and management standards.

This memo is informed by the science summarized in two documents that the City commissioned, the *Nearshore Assessment Summary of Best Available Science* (Battelle, October 2003) and the *Summary of Science Addendum* (Herrera, 2011). The memo reflects the outcome of buffer requirement discussions with Herrera and City staff, the requirements of the state Shoreline Master Program (SMP) Guidelines (WAC 173-26), and the policy direction of the citizen workgroups. In respect to vegetation conservation for the SMP Update, the state Guidelines [WAC 173-26-201(3)(d)(viii) and 173-26- 221(5)(b)] direct that the City should:

- Identify measures and regulations that address conservation of vegetation and ensure that new development meets vegetation conservation objectives;
- Assure no net loss of shoreline ecological functions and ecosystem-wide processes through a variety of measures, including setback and buffer standards;
- Identify ecological processes and functions of vegetation that are important to the local aquatic and terrestrial ecology and provide measures that conserve sufficient vegetation to maintain these functions;

- Vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline function.

The City's existing SMP utilizes vegetation buffers known as Native Vegetation Zones (NVZ). The policy direction from the SMP Vegetation Conservation Workgroup suggests that in updating these buffers, the City should:

- Protect and restore shoreline vegetation to maintain and enhance ecological functions, human safety, personal property protection, and shoreline views and vistas. (Vegetation Conservation and Management Zones Draft Goal); and
- Establish shoreline vegetation conservation and management zones immediately upland of ordinary high water mark (OHWM) for each shoreline use and shoreline characterization, recognizing the pattern of development, shoreline ecological and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). (Vegetation Conservation and Management Zones Draft Policy #6).

Developing Marine Shoreline Buffer Recommendations

The process used to develop the memorandum and the suggested range of buffers included several stages and was completed during a series of discussions with the consultant team and staff, including the following:

1. Reviewing the science related to buffers (summarized at the beginning of the memo, page 1). This was completed by Herrera.

2. Developing a concept for a two-zoned management area (buffer) that is comprised of a more protective (and more restricted use and activity) zone adjacent to the OHWM, and a more flexible zone (allowing minimal use, activity and alteration to vegetation) situated within the remaining portion of the management area. This concept is described on page 6 of the Herrera memo, under *Marine Shoreline Buffer and Riparian Protection Zone Recommendations*. The two-zoned management area concept was developed with Herrera and City staff, first agreeing on principles that met the SMP Guidelines and the policy direction of the citizen workgroup. These are outlined in the section *Agreed Principles,* page 9 of the Herrera memo.

3. Developing dimensional recommendations. The *Buffer Considerations and Recommend*ations section of the memo, page 11, was developed using the two-zone concept and developing principles that are informed by the science and the characteristics of the Bainbridge Island shoreline. Widths were then established for the management areas and applied to the proposed shoreline designations, (Table 1, page 12). This was completed by Herrera and modified by City staff to reflect the policy direction of the citizen workgroups and the proposed shoreline designation map.

Terminology

Vegetation conservation is important for managing and retaining shoreline vegetation in both the state SMP Guidelines and in the City's existing SMP (which included Native Vegetation Zones established for all shoreline designations). These management areas are intended to protect

shoreline functions, primarily related to vegetation. In the scientific literature and within local shoreline master programs, these areas might be called different names, including “buffers”, “setbacks” or “management areas”. This can be confusing since the terms for different management tools are frequently interchanged. Technical and scientific literature refer to buffers as relatively undisturbed areas that protect ecologically sensitive areas, while planning and regulatory terminology often allows some limited disturbance of the buffer area. This document uses the planning and regulatory definition of buffers.

As a management tool, these protective areas have the following in common: the area is a designated dimensional area situated along the shoreline, measured from the OHWM landward, with adopted regulations that limit uses and activities within these areas. The width of this area may be a fixed width or a flexible width (as is proposed here).

The Herrera memo uses terminology for this protective area, describing it as a marine shoreline buffer or *Standard Buffer,* that includes an inner zone, the *Riparian Protection Zone* (RPZ), which is measured adjacent to the OHWM.

These terms are slightly different in the draft Vegetation Conservation and Management Zones regulations, in which the entire buffer is called the *Standard Shoreline Buffer* (SSB) and is comprised of two zones, the *Riparian Protection Zone* (RPZ) and the *Marine Shoreline Zo*ne (MSZ).

Revised Memorandum

The Herrera Memorandum was revised on August 11, 2011 to provide additional clarification and to correct or clarify some citations used in the document.

Herrera Environmental Consultants, Inc.

Memorandum

To	Ryan Ericson, Associate Planner, and Libby Hudson, Division Manager City of Bainbridge Island
From	Amanda Azous, José Carrasquero, and Jeff Parsons, Herrera Environmental Consultants; Lisa Grueter, BERK
Date	August 2, 2011
Subject	Documentation of Marine Shoreline Buffer Recommendation Discussions

The following discussion documents thoughts and considerations with respect to marine shoreline buffers for different shoreline use designations. The discussion is based on a review of the City of Bainbridge Island's (City) existing marine shoreline buffer regulations, the City's shoreline character, nearshore assets, existing and future land uses, scientific recommendations for marine buffers, as well as discussions with City staff. This memo begins with describing what a marine shoreline buffer is and how it differs from a riparian area; followed by a summary discussion of science-based buffer recommendations; and closes with buffer recommendations for the City's shoreline management plan update. For reference, marine shoreline buffer widths currently required by the City's shoreline regulation are provided in Attachment A, and are taken from Chapter 16.12 BIMC.

Marine Shoreline Buffers and Riparian Areas

Marine shoreline buffers are used in the City to regulate areas to protect the marine nearshore from the effects of land use activities (such as construction of buildings, driveways, and other infrastructure). Marine shoreline buffers may have variable widths, and use restrictions generally apply uniformly to the entire buffer area. This discussion in part serves to distinguish the concept of a marine shoreline buffer from that of a riparian area, which is an integral part of an aquatic ecosystem and, therefore, requires a more protective level of regulation.

A riparian area differs from a marine shoreline buffer in that it describes the terrestrial ecosystem directly adjacent to the marine nearshore that interacts with the aquatic environment. For example, intact riparian areas have native plant communities comprised of varying species of herbs and grasses, shrubs, deciduous trees, and coniferous stands of various ages and they are integral to the proper functioning of the nearshore. Native plant species are those species that occur or historically occurred on Bainbridge Island before European contact based upon the best available scientific and historical documentation.

Key functions supplied by riparian areas include providing large woody debris (LWD), bank stability, marine species food sources such as detritus and insects, and temperature moderation of beach substrate. This includes providing an overhanging, complex network of branches, trunks,

stems and roots that act to moderate nearshore wave energy. In contrast, marine shoreline buffers may include non-native landscaping, vegetable gardens, and lawns as well as possibly, native vegetation communities.

Because the functions provided by a riparian area are fundamental to maintaining a healthy functioning marine nearshore, it is recommended that the City designate a riparian protection zone (RPZ) with more restricted uses and assign a separate marine shoreline buffer to protect the RPZ. This would be done to protect such areas that are currently intact, and to establish an RPZ where such areas do not currently exist such as when properties re-develop, remodel or otherwise expand development. The RPZ would be treated as a conservation area to preserve the essential relationship between nearshore and shoreline ecological functions.

Some activities allowed within the RPZ would be weed removal, hazardous tree or limb removal, or shoreline oriented uses that are a high priority such as water dependent uses on private parcels or nearshore access and water enjoyment uses in public park areas.[2] This approach will help to ensure the protection of what remains of the City's intact riparian zones and will facilitate and provide more flexibility for uses within marine shoreline buffers. Policies, incentives and regulations that support restoration of riparian areas (such as through restoration of native plant communities) would benefit increases in nearshore habitat and functions and assist with showing no net loss.

Scientific Importance of Marine Shoreline Buffers and Riparian Areas

Sustaining habitats and species requires protection of the ecological functions and processes that support survival and population success, in addition to the direct protection of the habitats themselves. Without adequate habitat protection, ecological functions and key natural processes become degraded. In response to this risk, scientifically based recommended buffer widths and site-specific methods for determining buffers have been established in several sources. These sources were reviewed and reported in the City's Addendum to the Summary of Science Report (Herrera 2011) and are briefly summarized here.

Marine Shoreline Buffers

Factors relevant to the effectiveness of marine shoreline buffers, or of a given buffer width, include the type and intensity of surrounding land development, influence of groundwater, stability of slopes or bluffs, types of pollutants and their sources, vegetation dynamics (such as type and density), and geomorphic functions of driftwood or other habitat features that might affect the functions and values of the buffer (Brennan et al. 2009). For example, slopes that are more susceptible to massive failure may require a larger buffer, particularly if existing development is contributing to an increased rate of erosion such as from poor stormwater management and a lack of stabilizing vegetation. Feeder bluffs contributing to spawning beaches may require a larger buffer in order to protect future development while also decreasing the future need for shoreline armoring. Parcels with marshes, lagoons, or spit / barrier / backshores likewise may require wider buffers to protect these important ecological features. Steep slopes comprised of bedrock (relatively rare in the City) or stable high bluffs (greater than 5 meters)

[2] Allowances in the RPZ are more fully discussed in recommendations starting on page 6.

may allow for a narrower buffer as slope stability and sediment sources would not be impacted by development.

Much of the existing riparian and buffer literature is related to freshwater systems therefore, Washington Department of Fish and Wildlife (WDFW) established a panel of scientists in 2008 to assess the freshwater riparian scientific literature to determine its applicability to marine shoreline systems. The result of the literature review, and the Marine Riparian Workshop Proceedings conducted by the scientific panel in 2008 was a common consensus that freshwater riparian buffer research was conceptually applicable to marine shorelines (Brennan et al. 2009). The data provided by the WDFW panel (Brennan et al. 2009) suggest that necessary buffer widths vary considerably depending on the site-specific characteristics and the functions to be protected. For example, in order to achieve at least 80 percent effectiveness at removing pollutants from stormwater runoff, recommended buffers varied from as little as 16 feet to as large as 1,969 feet depending on the slope, depth and type of soil, surface roughness, density of vegetation and the intensity of the land use. Buffer widths for organic matter contributions (such as plant litter and terrestrial insects) ranging between 16 and 328 feet from the shoreline, depending on site conditions, were reported by Bavins et al. (2000) for providing this function. Buffers to protect the large woody debris function important to habitat structure and shoreline stability were suggested to be between 33 and 328 feet. However, given that trees located 300 feet landward from the edge of a bluff or bank would not immediately be recruited on the nearshore, consideration should be given to the site's potential tree height and the current and expected rate of bluff or bank retreat when establishing buffers for providing large woody debris. The WDFW panel found that buffer widths to support a number of specific riparian functions were identified by May (2003) and Knutson and Naef (1997). May recommended 98 feet for fine sediment control, and shade and microclimate control and 164 feet for the LWD function. Knutson and Naef recommended 138 feet for fine sediment control, 90 feet for temperature moderation, and 147 feet for LWD and litter fall functions. The panel's review indicated that recommendations for wildlife habitat protection ranged from 50 feet (specific to highly rural areas) to 328 feet.

Riparian Areas

An extensive body of research and literature has emerged over the last three decades which documents the specific importance of riparian areas in providing ecological functions related to waters of the state. These functions include the following (Romanuk and Levings 2010; Brennan et al. 2009; Lemieux et al. 2004):

- Water quality maintenance
- Fine sediment control
- Large woody debris delivery and retention
- Microclimate moderation
- Nutrient delivery and retention
- Terrestrial carbon source to nearshore food webs
- Fish and wildlife habitat creation and maintenance
- Direct food support for juvenile salmonids
- Hydrologic based slope stability

There is consensus in the scientific community that marine riparian areas are critical to sustaining many ecological functions (Desbonnet et al. 1994; Brennan and Culverwell 2004; Lemieux et al. 2004; Brennan et al. 2009). Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region (Herrera 2007; Lemieux et al. 2004; Levings and Jamieson 2001; Redman et al. 2005) and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore (Lemieux et al 2004). Marine riparian areas contain elements of both aquatic and terrestrial ecosystems that mutually influence each other (Knutson and Naef 1997; Fresh et al. 2004; Lemieux et al. 2004). For example, juvenile salmon consume terrestrially derived carbon which can extend into the low intertidal zone (Romanuk and Levings 2010), and salmon are well known conduits for returning marine derived nutrients into freshwater systems (Chaloner et al. 2002; Wipfli 2003). Beach wrack and detritus accumulated in driftwood and tree fall in the nearshore zone, provide both terrestrial and marine derived food sources for invertebrates, fish, birds, and other organisms (Lewis 2007; Brennan et al. 2009). Riparian vegetation also provides contributions of organic matter, moisture, and nutrients that assist in the establishment and maintenance of estuarine marsh plants (Eilers 1975; Williams and Thom 2001).

These interactions between riparian vegetation and the nearshore marine environment are important to the survival and population success of numerous species that depend on marine habitats. Conservation efforts which, preserve the natural processes of detritus and nutrient conveyance, and organic debris accumulation, are therefore important in the marine environment. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

In literature reviews conducted to evaluate the potential impacts of removing riparian vegetation on numerous sensitive species, several mechanisms of impact have been identified (Herrera 2007b, 2008b). The degree of impact to the aquatic environment depends upon the magnitude of the vegetation removal or alteration (such as size and number of trees affected, and total area cleared of vegetation). At more severe levels, riparian vegetation modification could result in the following impacts, which would have subsequent implications for species survival and overall habitat condition:

- **Altered shade and temperature regime:** Caused by direct removal of vegetation.

- **Reduced bank and shoreline stability:** Caused by degradation of riparian vegetation, loss of vegetative cover and root cohesion, and reduced resistance to erosion. This may in turn affect aquatic habitat by increasing suspended sediments and altering riparian habitat structure.

- **Altered organic material contributions:** Caused by reduced source of leaf litter, woody debris, terrestrial insects, and other biota.

- **Altered habitat complexity and increased habitat fragmentation:** Caused by removal of native vegetation and creating habitat favored by invasive species.

There are geologic constraints on the type and density of vegetation that can establish on some areas of marine shoreline. For example, many bedrock shorelines are limited in the development of functional densities of vegetation. This is particularly relevant along the southern shoreline of the City where bedrock and overconsolidated sediments are common.

It has been shown that detritus feeding organisms may not be adapted to the leaf fall patterns or the chemical characteristics of leaves from non-native trees suggesting that riparian areas are most effective when comprised of native vegetation (Karr and Schlosser 1977). In addition, native plant species have adapted to local physical conditions such as soil, geology, and climate and therefore require less maintenance, are resistant to most pests and diseases, and require little or no irrigation or fertilizers, once established. Thus maintaining native plant species in marine riparian areas can also have consequent benefits on maintaining water quality.

In a meta-analysis review of 73 peer-reviewed studies of vegetated buffer efficacy in protecting water quality, Zhang et al. (2010) reported that forested buffers were generally found to remove more nitrogen (a limiting nutrient in marine waters) as well as phosphorus than grassed buffers. For areas with slopes up to 10 percent, predicted sediment removal efficiencies for a 33-foot (10-meter) vegetated buffer ranged from 76 to 100 percent. Removal efficiencies for nitrogen were 71 to 85 percent, and for phosphorus were 69 to 98 percent. Steeper slopes had declining removal rates.

By maintaining bank stability and contributing large wood to the aquatic environment, riparian vegetation forms and maintains habitat complexity. Riparian vegetation and large wood improve beach stability and contribute to roughness and sediment trapping (Brennan and Culverwell 2004; Gonor et al. 1988; Herrera 2005). This includes improved capacity of beaches to retain sand, a crucial substrate for forage fish spawning (Pentilla 2007).

Herrera (2005) suggested that driftwood and tree fall at the top of the beach may also stabilize the upper beach area by slowing littoral drift and reducing wave-induced erosion). It has been suggested that estuarine wood can affect water flow and the subsequent formation of bars and mudbanks (Gonor et al. 1988). The contribution to habitat complexity along marine shorelines may be maximized if trees that fall to beaches remain in place (Herrera 2005).

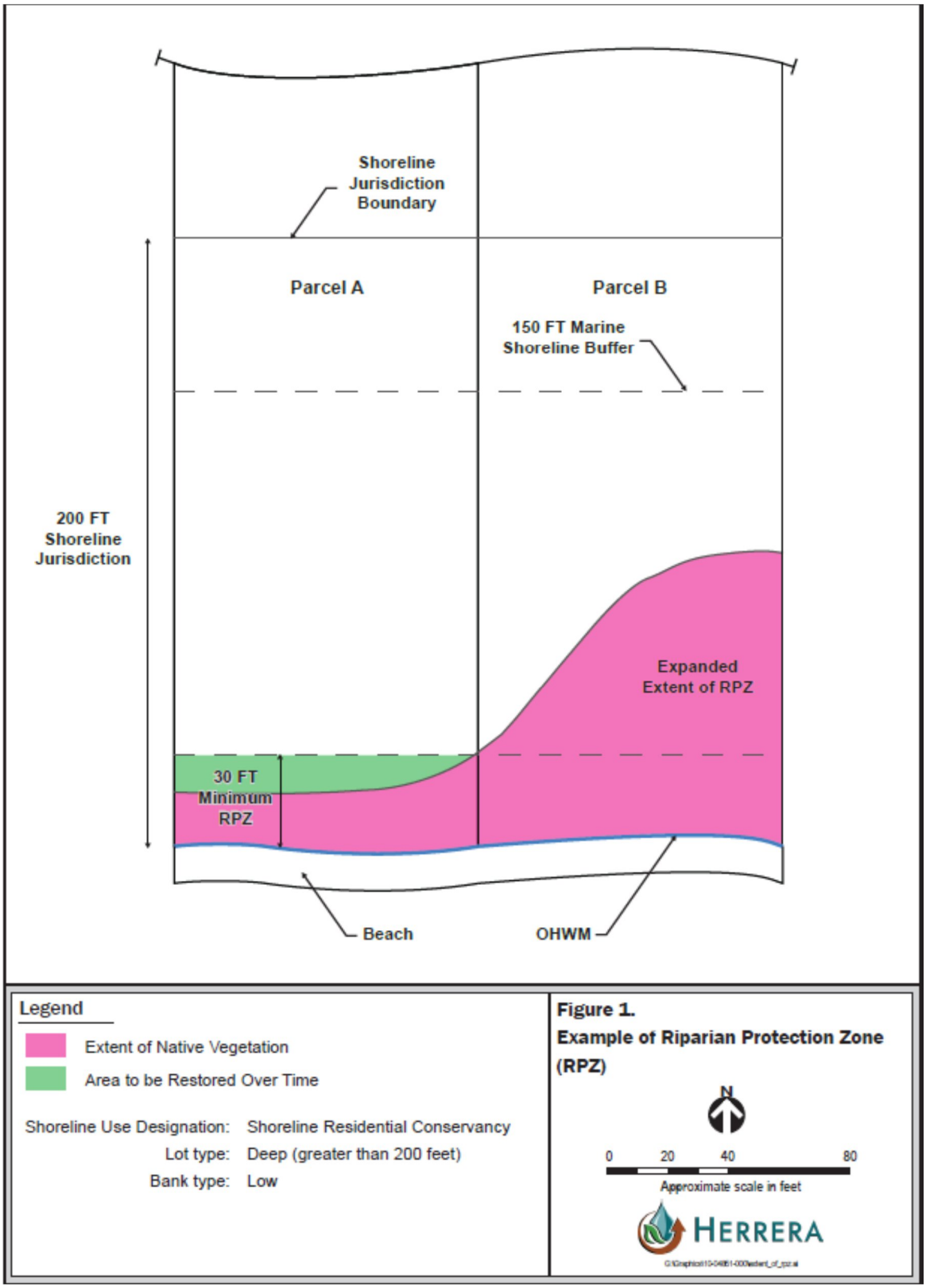
Marine Shoreline Buffer and Riparian Protection Zone Recommendations

City of Bainbridge Island shorelines are predominantly developed (over 82 percent [Battelle 2003]) which limits the City's ability to require wide buffers that are protected through regulation as conservation areas. Therefore, our recommendations have focused on protecting intact riparian habitat by limiting uses within this ecologically important zone, allowing for a less restrictive marine shoreline buffer landward of the riparian area that would protect the RPZ as well as provide some buffer functions; and by suggesting the City provide regulatory thresholds and landowner incentives to restore native riparian habitat whenever possible. In addition, the recommendations are informed by the City's desire to limit the number of non-conforming structures therefore, existing distances to residential structures from the shoreline are considered. These agreements and assumptions are described in *Agreed Principles* on page 8 and *Buffer Assumptions and Recommendation* on page 10.

We recommend that in areas with existing properly functioning riparian habitat, the RPZ would be a minimum of 30 feet but it could extend up to the full width of a standard marine shoreline

buffer if intact native riparian vegetation were present. This recommendation is based on the minimum area necessary to achieve a measure of riparian functions including protecting water quality, and providing shade, microclimate moderation, LWD, litterfall and insect food sources (Christensen 2000; Bavins et al. 2000; Zhang et al. 2010). Any areas not comprised of intact native riparian vegetation would be limited by the provisions of a standard marine shoreline buffer for the shoreline use designation. In areas entirely lacking native riparian vegetation, the City would still establish a minimum 30-foot RPZ zone and, as parcels meet re-development thresholds, the City would require that native vegetation be established within the minimum 30-foot RPZ. In the Natural shoreline designations, the RPZ would be a minimum of 100 feet because of the heightened ecological values found in these areas and their absence of existing development.

Figure 1 illustrates two typical parcels (for this example, they are located within a Shoreline Residential Conservancy use designation) where intact native vegetation varies between 20 feet and 95 feet. For these parcels, the RPZ would range from 30 to 95 feet. In the area currently lacking native vegetation within the 30-foot minimum RPZ, landowners would be required through mitigation, or encouraged through incentives to restore native plant species as described above. In cases where riparian habitat is restored such as to provide mitigation for development impacts or in response to Shoreline Restoration Plan recommendations, such activities could potentially provide the City with no net loss of shoreline ecological functions and potentially a net gain.


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

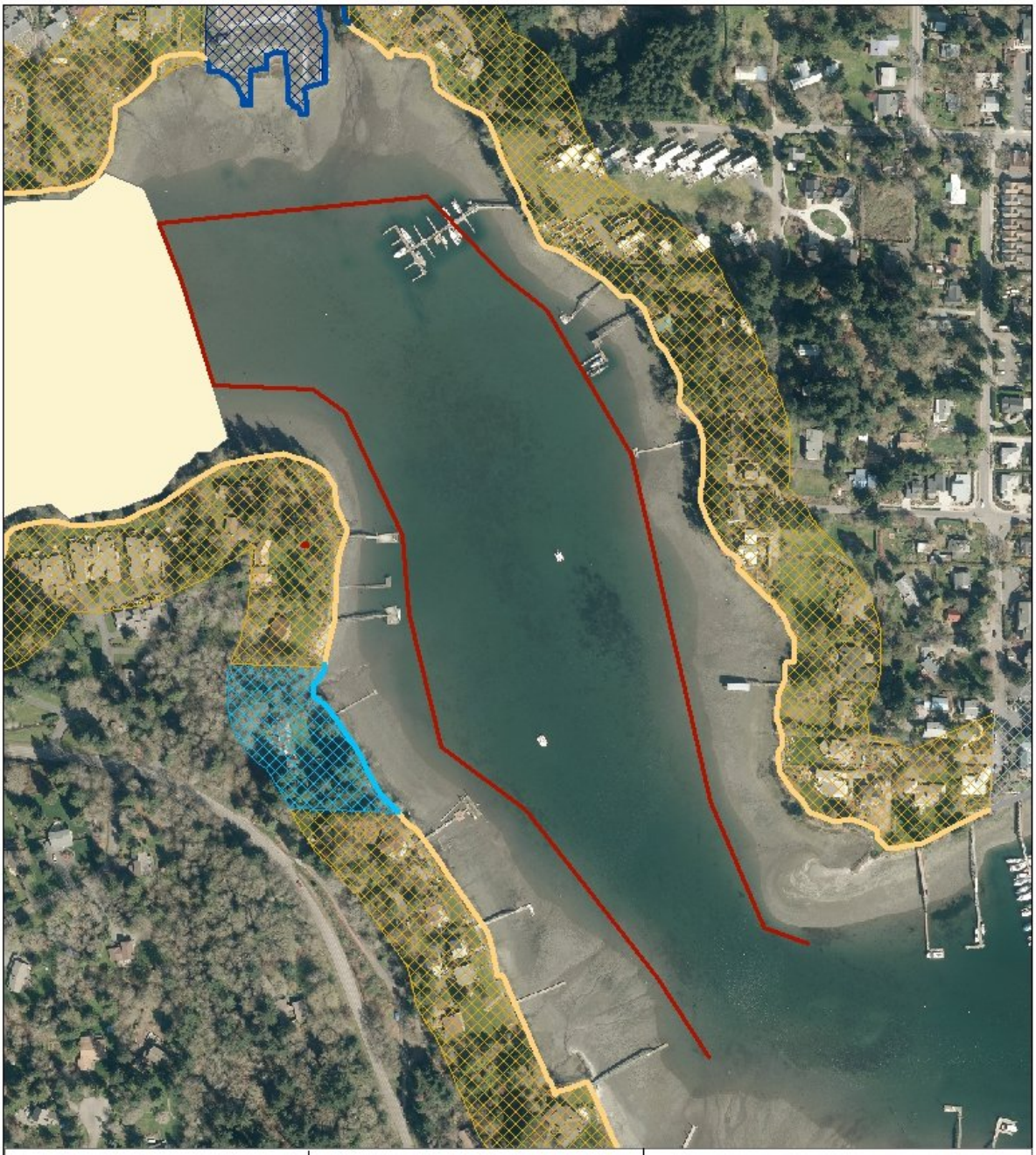
Appendix E

Special Area Maps

Port Madison
Harbor Structure Line

N

200 100 0 200 Feet



Eagle Harbor
Harbor Structure Line

N

200 100 0 200 Feet

Point Monroe Distirct Shoreline Stabiliztion Areas

N

200 100 0 200 Feet

CAO/NONCONFORMING SMP AMENDMENT

Public Comments Received**

** Comments received during City Council review between May 8, 2018 – present.
Comments do not include those sent directly to City Council members unless forwarded to staff.
Comments made in person at City Council meetings are available via the official recording of the meeting.

	Date	Name	Topic(s)	Comment	Staff Response
1	5/30/18	Dick Haugen	CAO integration	• A formal process is not needed to update the CAO in the SMP. • The CAO integration is being rushed and has not been vetted by the Planning Commission. • Requests consideration of no net loss proposal. • States the public process has been flawed and "not real" or transparent.	• Commenter provides misinformation. Any revision to the SMP requires an amendment to the SMP. An amendment is a formal process. • The Planning Commission discussed the CAO integration SMP amendment on October 12 and November 16, 2018; April 19 and 26, 2018; and held a public hearing on May 24, 2018 that was continued to June 7, 2018. • No net loss is not a topic of the amendment. • The City is following all requirements of WAC 173-26-104, the optional joint local/state review process for SMP amendments.
2	5/31/18	Doug Hansmann	CAO integration	Supports Mr. Haugen's comment dated 5/30/18	Comment noted.
3	5/31/18	Michael Sebastian	CAO integration	Supports Mr. Haugen's comment dated 5/30/18	Comment noted.
4	6/5/18	MC Halvorsen	Nonconforming	Commenter provides definition and background on Common Law and states the City is regulating private land.	Comment noted.
5	6/11/18	Ed Rymarz	Sea level rise Impact on market value Shoreline stabilization	• Current SMP has no mention of sea level rise • The application of nonconforming regulations will result in loss of use or market value of properties • "Shall not warrant new shoreline stabilization for the life of the new structure" should be removed from SMP Section 4.2.1 • Road end development should not impact adjoining properties or diminish their market value	• Sea level rise is not a topic of the draft amendment but is included on the work plan for a future amendment. • Comment noted. • New shoreline stabilization is discouraged in the SMP; this language is intended to not allow new structures that would require new shoreline stabilization; that is, the new structure should be built so as to not need it. • Comment noted.
6	8/9/18	Keith Butler	UW evaluation of SMP	Provides review and summary of UW master's thesis, a technical "readability" evaluation of the City's SMP	Staff intends to consult with Mr. Butler and incorporate the recommendations provided in the UW thesis on subsequent revisions to the SMP unless City Council directs staff to complete a "readability" evaluation of the current amendment.

	Date	Name	Topic(s)	Comment	Staff Response
7	8/30/18	Dick Haugen	Various	• "Most restrictive clause" in SMP 4.0.1.7 should be revised • No net loss definition should be revised • Definition of "existing development" should be revised • "Once in a lifetime" limitation on expansion of nonconforming structures should be deleted • Nonconforming expansion of single-family structures should be changed to include "or 2500 square feet, whichever is greater" • The definition of "activity" should be revised	• SMP 4.0.1.7 is revised in the draft amendment • No net loss is not a topic of this amendment • The term "existing development" is changed to "nonconforming structure" in the draft amendment. Revisions to the definition of existing development are not needed. • "Once in a lifetime" has been changed to "over the lifetime" of a structure in the draft amendment. • The Planning Commission's initial recommendation included no limit on expansion; their revised recommendation allows for up to 500 square feet. • The definition of "activity" is revised in the draft amendment.
8	8/30/18	Hal Snow, Jr.	Nonconforming language	Several comments related to specific language in SMP Section 4.2.1 suggested for clarity.	Staff concurs with commenter's recommendations to improve clarity. Most of the suggested edits were incorporated into the September 11, 2018 public hearing draft.
9	9/11/18	27 shoreline households	PC Recommendation	• Supports Planning Commission's work with the Planning Department to develop and recommend necessary amendments to the current SMP. • Revisions to nonconforming language, specifically, improve the SMP by reducing complexity and confusion. • Proposed amendments balance regulations and private property rights per RCW 90.58.020.	Comments noted.
10	9/11/18	Dave Kircher	SMP document	The SMP is way too big to understand and lacks any means of measurement to validate its initial intent.	The City will begin the periodic review of its SMP in 2019. This process is intended to evaluate whether the SMP is achieving its overall goals.
11	9/11/18	Marcia Lagerloef	Nonconforming CAO integration	• The amendments to the SMP pertaining to rebuilding and expansion of nonconforming	• Comment noted. • Comment noted.

	Date	Name	Topic(s)	Comment	Staff Response
				residential structures and accessory structures are more liberal that what applies to upland homeowners; this change is certainly a gift. • Strongly support integrated the most recent critical areas regulations into the SMP. • No net loss is the standard for expansion; the proposed revisions which set no limit on ultimate size open the door for significant disturbance of the land, vegetation, and hydrology, particularly the allowance for significant tree removal.	• The Planning Commission's initial recommendation included no limit on expansion; their revised recommendation allows for up to 500 square feet.
12	9/11/18	Point Monroe Lagoon Homeowners Association	Nonconforming CAO integration	• SMP 4.2.1.2.7: Delete "prior to the effective date of this Program (November 26, 1996), as amended • SMP 4.2.1.3.4.1: Replace "alteration" with "expansion" • SMP 4.2.1.3.4.2: Replace "size" with "footprint" • SMP 4.2.1.4.5.2: Replace "alteration to" to "expansion of" • SMP 4.2.1.4.5.2: Add "beyond the existing footprint" • SMP 4.2.1.5.6.4: Delete "provided that all provisions are met" • SMP 4.2.1.6.7.1: Replace "rebuilt" with "replaced" • SMP 4.2.1.6.7.2: Replace "rebuilt" with "replaced" • SMP 4.2.1.6.7.2.a: Delete "and bulk dimensions"	• Staff suggests deleting the date. • "Alteration" used here refers to "replaced, repaired, maintained, or remodeled" in addition to expansion. Replacing "alteration" with "expansion" does not recognize that the term is referring to all of these activities, not just expansion. • Overwater structures are three-dimensional. "Size" can refer to height as well as footprint. Using only the term footprint does not address the overall size (bulk) of the structure. • The regulation covers more than just expansion. There are alterations that may not be expansions (see above). • The revised sentence structure as proposed is accurate but addresses only one activity – expansion of a footprint. The more general language addresses a broader range of alterations. • Staff suggests deleting ""provided that all provisions are met" • Staff agrees "replaced" may be a better term; definitions section should be updated to include

	Date	Name	Topic(s)	Comment	Staff Response
					"replaced" and other terms used in this section, as needed. • Same as above. • If "bulk dimensions" is not included and the regulation is limited to footprint and is silent on bulk (e.g. volume or height), the language could be interpreted to mean that if you have two-story house that you are replacing, you would only be allowed to replace the footprint – at one story. By including "bulk dimensions" it is intended to read that you get to replace the "box" of whatever it is you had, not just the two-dimensional footprint.
13	9/13/18	Robert and Diane Meyer	Overwater residences	There is a conflict between SMP Section 5.9.4 and 5.9.9.	These sections are not a topic of the amendment. Staff will address this comment in a subsequent amendment.
14	9/25/18	Spencer Lemons and Emily Chamberlain	General comment	• As shoreline property owners, do not support (radical) anti-regulatory views/positions of shoreline property owners' groups. • Support reasonable regulation to protect and preserve Sound, community, water resources, with reasonable balance of private property rights.	Comments noted.
15	9/26/18	Allan Holmes	ARPA	• ARPA makes no sense for shoreline properties	The draft amendment was revised to remove the ARPA requirement.
16	9/26/18	John Kennell	ARPA	• ARPA is unreasonable and makes no sense for shoreline properties • Documentation is badly worded and cannot be understood.	• The draft amendment was revised to remove the ARPA requirement. • Comment noted.
17	9/26/18	Charles Schmid	Water quality Various	• Leave the word "manage" in Section 4.1.5.4 to refer to City-owned shoreline properties. • Keep proposed new exemption in Section 4.1.5.4.6, it is a needed addition.	• Comment noted. • Comment noted. • Use of pesticides, fertilizers and herbicides is prohibited in fish and wildlife conservation

	Date	Name	Topic(s)	Comment	Staff Response
				• Make use of pesticides, fertilizers and herbicides prohibited for all shorelines.	areas, but not in the shoreline jurisdiction. Section 4.1.6, Water Quality and Stormwater Management, is the appropriate section to address this comment. This section is not included in the draft amendment.
18	9/25/18	Colin and Marian Stewart	ARPA SMP document	• ARPA is unreasonable and makes no sense for shoreline properties. • SMP document is overwhelming and confusing; redline makes document more complicated.	• The draft amendment was revised to remove the ARPA requirement. • A number of documents summarizing proposed changes are available on the City's website, including presentations provided to City Council and a staff memo summarizing the Planning Commission's recommendation that accompanied the public hearing draft: https://www.bainbridgewa.gov/184/Shoreline-Master-Program and https://www.bainbridgewa.gov/1101/City-Council-Agendas (see September 11, 2018 meeting agenda). • A number of revisions were made specifically to improve clarity and readability, as well as shorten the overall document.
19	9l/26/18	Gary Tripp Bainbridge Property Owners	Rebuilding Planning Commission	• Shoreline homeowners are not the problem. • Allow people to rebuild their homes in their footprint and up to the height limit allowed. • Support Planning Commission's work. • Planning Commission needs outside help (seasoned and impartial land use attorney). • Designate the Planning Commission as lead group to review submitted public comments concerning the SMP.	• Comment noted. • The Planning Commission recommendation includes this allowance. • Comment noted. • Comment noted. • The Planning Commission is an advisory body of the City Council. The Planning Commission holds regular study sessions and public hearings related to changes to the municipal code, including the SMP. Public comment is accepted at every Planning Commission meeting.

	Date	Name	Topic(s)	Comment	Staff Response
20	9/28/18	Thomas Newlon	2013 comments	City Council's decision to ban full remodel/replacement made no sense. Support's current Council's willingness to correct past Council's mistake on this critical issue by allowing rebuilding of existing homes	• The Planning Commission recommendation includes this allowance.
21	9/29/18	Keith Butler	SMP document	Comments based on the UW thesis, including that full SMP readability should be addressed prior to CAO integration or "piecemeal" approach section-by-section; SMP should be fixed with a methodical effort; a summary of each section should precede it; hyperlinks should be added; standard for usability should be used; SMP needs to be accessible and usable for broad range of the public	The CAO is a relatively discrete piece of the SMP that can be easily integrated into the document. It is important to finish this work since the CAO was updated in April, 2018, but still does not apply within the shoreline jurisdiction. The preference would be for the next step to be a comprehensive review and amendment of all sections of the SMP that focuses on both content and readability, but City Council did not chose that approach.
22	9/29/18	Gregg Taylor	ARPA Maintenance SMP document	• Concerned about restrictions on maintenance activities and the "taking" of 65% of the property for "aquifer recharge." • Document is long and technical, overly complicated and ambitious, and impossible for a small city to manage, let alone its residents.	• The draft amendment was revised to remove the ARPA requirement. • A number of revisions were made specifically to improve clarity and readability, as well as shorten the overall document.
23	10/1/18	Ronald Margolis	ARPA SMP document	• Cannot understand the document • Several comments about water policy, growth policy, water study	• The draft amendment was revised to remove the ARPA requirement. • A number of revisions were made specifically to improve clarity and readability, as well as shorten the overall document.
24	10/2/18	Anne Ackenhusen and Mike Johns	Planning Commission	Supports Bainbridge Property Owners' letter dated 9/22/18	See Comment 16.
25	10/2/18	Dick Haugen	Various	• Supports Planning Commission's recommendation on nonconforming issues • Supports "guiding themes" and work plan developed by staff.	• Comment noted. • Comment noted. • Critical areas within the shoreline jurisdiction need to be addressed with critical areas regulations regardless of how many or how few there are.

	Date	Name	Topic(s)	Comment	Staff Response
				• CAO makes little difference in shoreline, why integrate the update? No one understands the changes. • CAO can just replace current Appendix B. • City should consider resolving SMP lawsuit. • References Bainbridge Property Owners' letter	• This is untrue. There are several sections of the CAO that cannot be included in the SMP. The SMP Handbook includes several options for CAO integration and local jurisdictions may choose which one best meets their needs. The CAO cannot be included "as-is" because sections of it are inconsistent with the SMA. • Comment noted. • See Comment 16.
26	10/4/16	Lincoln Miller	Noticing Uncertainty Property rights	• Did not receive notice of amendment is a due process violation. • Amendments create uncertainty about maintaining and expanding home • Prohibitions concerning ability to remove trees interfere with potential home modifications. • Basic human rights are deprived. • Amendments ignore directive in Genesis 1:28 • Not in favor of proposed amendments	• The City is following all requirements of WAC 173-26-104, the optional joint local/state review process for SMP amendments. The City is not required to provide notice to all property owners affected by the amendment. • Comment noted. • Comment noted. • Comment noted. • Comment noted. • Comment noted.
27	10/5/18	Maradel Gale	Nonconforming structures	• Purpose of amendment was to make needed corrections, not rehash policy decisions. • Goal 4.2.1 should be retained. • Do not allow expansion of single-family primary structures beyond the already-granted 25%. • Do not remove the term "essential" for accessory structures. • Do not allow rebuilding if more than 50% of a structure is intentionally demolished.	• Comment noted. • Comment noted. • The Planning Commission's initial recommendation included no limit on expansion; their revised recommendation allows for up to 500 square feet. • Comment noted. • Comment noted.
28	10/6/18	Robert Carlson	Noticing Property rights SMP document	• Did not receive notice of amendment. • Size and jargon laden SMP and CAO integration is impossible to understand. • The ARPA is ludicrous and illegal taking.	• The City is following all requirements of WAC 173-26-104, the optional joint local/state review process for SMP amendments. The City is not required to provide notice to all property owners affected by the amendment.

	Date	Name	Topic(s)	Comment	Staff Response
				• The homeowner is the proper and best authority for determining what is best for their property, not the City. • Fines are ludicrous. • You've turned every shoreline homeowner into an adversary when you should be working in partnership.	• The draft amendment was revised to remove the ARPA requirement. • Comment noted. • Comment noted. • Comment noted.
29	10/8/18	MC Halvorsen	SMP document US Constitution Shading (fish) Roads/road ends Common Law Takings	• City should consult with independent land use attorney on real property law. • SMP is not legally correct and advocates acting unconstitutionally. • Requiring trees but prohibiting docks because of shading is a contradiction. • City does not own roads; cannot designated "Conservancy." • No one is familiar with Common Law or takings laws.	• Comments noted.
30	10/9/18	Bob Abresch	SMP document ARPA Reasonable regulations	• The original SMP and proposed CAO integration are both overwhelming and virtually impossible to understand. • Resents heavy-handed approach to "fixing" problem (ARPA). • SMP and CAO integration are over-reaching; consider SMP 1.1.1, Purpose and Intent, referencing effective, reasonable regulations. • The original SMP and proposed CAO integration are neither effective or reasonable. • Council should authorize a complete re-do of the SMP to make it readable, understandable, and reasonable.	• See comment 18. • The draft amendment was revised to remove the ARPA requirement. • Other comments noted.
31	10/10/18	Frank Williamson	Process ARPA	• You are moving too fast on this regulation/process.	• Comment noted. • Comment noted.

	Date	Name	Topic(s)	Comment	Staff Response
				• Reduce size and scope of SMP; improve understanding. • ARPA does not make sense in shoreline.	• The draft amendment was revised to remove the ARPA requirement.
32	10/10/18	Michael Zigich	CAO/CARA	• All shoreline properties should be exempt from the critical aquifer recharge areas requirements of the CAO.	• The draft amendment was revised to remove the ARPA requirement. The all-island critical aquifer recharge area designation is not being changed.
33	10/10/18	John Sweeney	Building permit application	• The property I bought is no longer buildable.	• The SMP includes provisions for "encumbered lots," that allows relief from bulk and dimensional standards to accommodate building on a property.
34	10/17/18	MC Halvorsen	Admiralty Law	Provides overview of Admiralty Law	Comment noted.
35	10/18/18	JCR	General comment	See you in court.	Comment noted.
36	10/22/18	MC Halvorsen	Nonconforming Common Law	There can be no legal and constitutional expansion of nonconforming; prohibited by Common Law of Grandfathered In, Washington State Constitution, and US Constitution.	Comment noted.
37	10/24/18	John W. Jacobi	SMP document	The SMP as it reads now is absurd and needs to be revised so it is workable for all shoreline properties; the new suggested changes are ridiculous and would unfairly restrict property rights.	Comment noted.
38	11/2/18	Michael Whalen	Nonconforming structures	Bainbridge Island is an outlier among other jurisdictions in how it treats nonconforming structures.	Bainbridge Island is not dissimilar to several jurisdictions throughout the Puget Sound. A summary of how Bainbridge Island compares to other jurisdictions is provided in the staff memo dated November 27, 2018, available in the City Council agenda packet on the City's website: https://www.bainbridgewa.gov/1101/City-Council-Agendas (see November 27 agenda packet).
39	11/3/18	Doug Hansmann 99 residents of Roackaway Beach	Nonconforming CAO	• Urge City Council to approve Planning Commission recommendation related to nonconforming uses, lots, and structures and applicability.	• It is true that there is no intent to remove nonconforming homes over time. • It is not true that Exhibit B already covers all of the same critical areas wording. Exhibit B is language from the 2006 CAO; the integration is

	Date	Name	Topic(s)	Comment	Staff Response
				• Needs to be clear that there is no requirement or intent to "remove nonconforming homes over time." • Request City Council not approve the integration of the new CAO, since Exhibit B in the SMP already covers all of the same critical areas wording.	intended to update the SMP to reflect the 2018 CAO.
40	11/8/18	Dick Haugen	Nonconforming	Suggest "once every ten years to avoid capricious expansion." Or something similar that explains the underlying intent.	Comment noted.
41	11/8/18	Alison O'Sullivan Suquamish Tribe	Nonconforming	• Referencing City's existing policy that nonconforming uses and nonconforming commercial structures should be restricted or phased out over time if discontinued, comments that if an activity is discontinued then re-establishment of an activity should be considered a new activity. • Several other comments not related to draft amendment.	Comment noted.
42	11/9/18	Dick Haugen	CAO/SMP integration	• CAO integration is making SMP worse – bigger and more complex; repeats that CAO can just replace current Appendix B. • We expect that legitimate comments will get a response more meaningful that comment noted.	See comment 22.
43	11/9/18	Dick Haugen	Nonconforming	• Repeats suggested language "once every ten years to avoid capricious expansion." Or something similar that explains the underlying intent. • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	Comment noted.

	Date	Name	Topic(s)	Comment	Staff Response
44	11/9/18	Dick Haugen	SMP document	• Neither the CAO/SMP integration or the nonconforming language has any summary. • The SMP is a complex, redundant, repetitive and difficult to interpret document. • The City should be obligated to prepare a brief summary of the "intent and consequence" of main topics starting with nonconforming language and CAO integration. • The people have a right to understand what the SMP means and how it affects them. • The people have a right to understand what the SMP means and how it affects them.	• See comment 18. The City's website includes a summary of major changes related to critical areas. • Other comments noted.
45	11/9/18	Dick Haugen	Nonconforming language	• The SMP establishes arbitrary boundaries and restriction based on policy (or whim) not anything else. Make it all the same. Ditto for critical areas. • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	• Shoreline designations are not arbitrary. Shoreline designations provide "the framework for implementing shoreline policies and regulatory measures specific to the environment designation" [WAC 173-26-191(1)(d)]. Assigning environment designations is Task 3.3 of Phase 3 of Ecology's SMP planning process, which the City followed during its comprehensive update. The SMP Handbook states, "Shoreline environment designations should be distinct from each other." Each shoreline designation have different management policies and regulations to reflect different shoreline characteristics and land use patterns. • Comment noted.
46	11/9/18	Dick Haugen	No net loss definition	• No net loss is without a finite definition. If the term is included in language being proposed to City Council a definition must be clear or it is left up to interpretation.	• The current SMP includes a definition for no net loss. The definition of no net loss is not a topic of the draft amendment. • The suggested definition of no net loss is problematic. The baseline conditions are those at the time of an application, not necessarily in

	Date	Name	Topic(s)	Comment	Staff Response
				• Suggests a definition of no net loss to clarify that no net loss does not imply mandatory restoration. • No net loss of ecological function is obviously subjective. • No net loss has been the "next topic" on the City/Planning Department since May. If the work plan was adhered to we would likely be done with defining no net loss by now. • The current amendment should not occur until no net loss is defined. It is that important. • In one sentence in the SMP state what no net loss is NOT the first time it is reference. This is simply that no net loss is NOT restoration. • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	2014. Required mitigation may include restoration because restoration is a type of mitigation. The draft amendment includes language in Section 4.2.1 that is intended to clarify: 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." • Comment noted. • Comment noted. • Comment noted. • If compensatory mitigation is required to address project impacts, restoration may be required if it is proposed as a means of mitigation. An applicant may choose to restore a portion of their property to compensate for impacts on another portion of the property. The no net loss definition cannot include the sentence that it is not restoration because in some cases restoration is proposed as a means to achieve it. • Comment noted.
47	11/9/18	Dick Haugen	Definitions	• Suggests an amended definition for "activity" • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	• Suggested definition is included in the draft amendment. • Comment noted.
48	11/9/18	Dick Haugen	Most restrictive clause	• Suggests revision to language stating "most restrictive provisions shall apply" when there is a conflict (See SMP 4.0.1.7). • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	• SMP 4.0.1.7 is revised in the draft amendment to remove the "most restrictive" language. • Comment noted.

	Date	Name	Topic(s)	Comment	Staff Response
49	11/9/18	Dick Haugen	Nonconforming	• Suggests using RCW 90.58.620 related to nonconforming term (allows local jurisdictions to consider nonconforming structures conforming). • Make sure preferred use status of single family homes is clear. • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	• Planning Commission recommendation is to use 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. • The preferred use status of single-family residences is articulated in the current SMP. Several revisions included in the draft amendment are intended to emphasize this policy framework of the SMA (e.g., allow expansion). • Comment noted.
50	11/9/18	Dick Haugen	Nonconforming	• Comment titled "nonconforming language," but seems to be referencing no net loss subject. Suggests that no net loss is not necessary because only 50 parcels are undeveloped. • Any nonconforming criteria should apply equally to the whole island and not single out shoreline. • The written SMP is to "phase out" all non-conforming structures – including your home (SMP 4.2.1.2 and SMP 8.0). If that is not the intent it must be made clear in writing and corrected in every SMP cross reference. • Repeats expectation that legitimate comments will get a response more meaningful that comment noted.	• Any development, whether it is new development or development related to an existing structure or nonconforming structure is required to demonstrate no net loss. In other words, the no net loss requirement applies to all properties on which development is proposed, not just the 50 undeveloped properties referenced by commenter. • Consistency among various City regulations is not a state requirement, but rather a policy decision for the City Council. • This is not true. SMP 4.2.1.1 states: "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" and "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. Commenter confuses the distinction in the goal

	Date	Name	Topic(s)	Comment	Staff Response
					statement between residential structures and commercial structures. The definitions of existing development and nonconforming in the current SMP do not include the words "phase out." Nothing in the SMP is written to phase out single-family residential structures. • Comment noted.
51	11/12/18	MC Halvorsen	Common Law	• City is disregarding Common Law and the Washington State and US Constitutions.	• Comment noted.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (8:40 PM) Discussion of Funding Request from Tyler Moniz Project - Mayor Medina,

STRATEGIC PRIORITY: Healthy and Attractive Community

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:
Discussion.

SUMMARY:
The Council will discuss ways to support our community in responding to issues of teen depression and teen suicide.

FISCAL IMPACT:

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

BACKGROUND: The attached material was provided by the Tyler Moniz Project as background information to their request for City funding.

The Council will discuss at this meeting whether to consider this funding request.

ATTACHMENTS:

TheTylerMoniz.CoffeeOasis.CrisisTextLine

FISCAL DETAILS:

Fund Name(s):

Coding:

24/7 Oasis Crisis Text Line and Crisis Intervention Team

The City of Bainbridge Island 2016 Bainbridge Island Needs Assessment stated the following:

Teenagers' mental health and substance use counseling needs are not being met.

- Teen anxiety is more prevalent than in the County or State, likely due to high pressure school environments.
- Although some organizations exist to help teens with mental health issues, they currently are not meeting demand.
- Teens also sometimes do not seek help due to social stigma or confidentiality concerns in such a small community.
- Some working parents are emotionally disconnected from their teens and frequently leave them unsupervised. Many parents turn a blind eye to their children's substance use.
- Rates of teen drinking, marijuana use, and binge drinking are higher than in the County or State.
- Providers say that neither teen drug abuse nor teen alcohol abuse has seen improvement in recent years.
- There are not enough recreational activities for teens other than sports; without an adequate teen center or other attractive venues, teens make risky, unsupervised decisions

In the past two years, seven Bainbridge Island residents have died by suicide. In a recent two-week period in 2018, nine youths attempted suicide.

Current crisis lines available by calling are the Crisis Clinic for the Peninsula (serving Clallam, Jefferson, and Kitsap counties) and the National Suicide Prevention Lifeline. The crisis text line available is the national crisis text line.

There is no Bainbridge Island phone or crisis text line supported by a local crisis intervention team that includes a case manager, mental health counselors, and chemical dependency counselors. "You can't really expect a kid who is hanging out with friends or parents or whatever it is to excuse themselves to make a phone call when they're in crisis. It's easier for them to text somebody," said Joshua Goss, crisis intervention team program manager for The Coffee Oasis.

The Tyler Moniz Project has raised $75,000 towards creating a local 24/7 Oasis Crisis Text Line and Crisis Intervention Team that would be run locally by The Coffee Oasis. Currently The Coffee Oasis hosts crisis text lines and support for the Kitsap cities of Bremerton, Port Orchard, and Poulsbo. The Coffee Oasis has a crisis interventionist to provide de-escalation strategies and a mobile onsite mental health therapist to provide one-on-one therapy. The 24/7 Oasis Crisis Intervention Team would work in concert with the Bainbridge Island Police Department, Behavioral Health Outreach Program (service navigator), Bainbridge Youth Service, and Helpline House. The Coffee Oasis has had Memorandums of Understanding with both Bainbridge Youth Services (see attachment) and Kitsap Mental Health Services (see attachment). As well, The Coffee Oasis works with West Sound Mobile for providing basic health exams and resources for safe sexual activity and Peninsula Community Health Services. This 24/7 Oasis Crisis Text Line and Crisis Intervention Team would in no way duplicate services. It would provide services that are currently not available. Bainbridge Youth Services and Helpline House are primarily 9 a.m. to 5 p.m. weekday. 24/7 Oasis Crisis Text Line and Crisis Intervention Team would be available 24/7 covering after hours (evening, night, and early morning) and weekends when services are not currently provided.

Crisis text line helping save teens' lives in Kitsap County
King 5 News, Author Ted Land, August 10, 2018
Please click link below or copy and paste into browser to view King 5 News Segment:
https://www.king5.com/article/news/local/crisis-text-line-helping-save-teens-lives-in-kitsap-county/281-582514414

The Tyler Moniz Project is seeking support from the City of Bainbridge Island to participate in funding this critical resource for the mental health and public safety for our Bainbridge Island youth.

The Tyler Moniz Project
The Tyler Moniz Project was launched by parents Lee and Jeff Moniz to celebrate the extraordinary life of their son Tyler Moniz, who they lost to suicide in April 2016 one day after his 21st birthday. They carry out this mission by creating awareness about suicide and depression, especially in young people. The Tyler Moniz Project supports educational and community programs that promote happiness, well-being, and hope. One hundred percent of donations go toward scholarships and services on Bainbridge Island.

Recently The Tyler Moniz Project through local donations has installed "Conversation Benches" at Bainbridge High School, Sakai, and Commodore with 9 more to be installed throughout the community in the next few months. The big blue benches have a medallion on the side of the bench that simply states, "Let's have a conversation." The goal is to start conversations so that people feel supported and not alone if they are struggling.

The Tyler Moniz Project launched campaign to bring The Coffee Oasis to Bainbridge Island. The first and most important phase of is creating the 24/7 Oasis Crisis Intervention Text Line and Team. The next phase will be opening The Coffee Oasis venue at the Pavilion and final phase is a teen center.

The Coffee Oasis
For more than 21 years, The Coffee Oasis has been working in Kitsap County to support high-risk and homeless youth. They have a proven formula that combines coffee and empathy to create a welcoming and supportive environment for young people. A partnership with The Coffee Oasis supports The Tyler Moniz mission by providing a safe space where the island's young people may study and have fun while connecting with one another as well as with trained, caring adults. We know that Bainbridge youth have unique concerns. The Bainbridge Coffee Oasis, therefore, will offer programs specially tailored to support Bainbridge young people. Among other things, our students will have access to job training, counseling services, shelters, and crisis intervention. Community members will have opportunities to volunteer and mentor for our youth. By working together, we can make a difference in our community and in the lives of our young people.

Awards & Funding Announcement
Please click links below or copy and paste into browser to view.

Seattle Business Magazine
The Coffee Oasis receives Silver Award for 2017 Community Impact Awards
https://www.seattlebusinessmag.com/coffee-oasis

Leadership Kitsap Support of Coffee Oasis Kingston
https://leadershipkitsap.org/coffee-oasis-kingston/

Articles, News, and TV Features of Coffee Oasis

Olympic College Foundation,
Alumni Spotlight - Deborah Lascelles, November 20, 2018
https://olympiccollegefoundation.org/alumni-spotlight-debora-lascelles/

Artist Trust Grants for Artists Project to Deborah Lascelles to produce "Coffee of Hope," documentary about The Coffee Oasis
https://artisttrust.org/index.php/award-winners/artist-profile/debora_lascelles
Filmmaker Deborah Lascelles is awarded 2018 Grants for Artists Project (GAP) by Art Trust of Seattle to continue to produce her documentary about Coffee Oasis called "Coffee of Hope."

The Coffee Oasis brews hope for Tacoma's homeless teens
The News Tribune, November 2, 2018
https://www.thenewstribune.com/opinion/op-ed/article220922320.html

Moniz Foundation Hopes to Bring Coffee Oasis to Bainbridge
Bainbridge Community Broadcasting, September 12, 2018
https://www.bestofbcb.org/cafe-074-moniz-foundation-coffee-oasis/

Crisis text line helping save teen lives in Kitsap County
King 5 News, August 10, 2018
https://www.king5.com/article/news/local/crisis-text-line-helping-save-teens-lives-in-kitsap-county/281-582514414

Change maker: Bremerton visionary brews coffee to get homeless youth off the streets
Q13 Fox, June 14, 2018
https://q13fox.com/2018/06/14/changemaker-bremerton-visionary-brews-coffee-to-get-homeless-youth-off-the-streets/

Victims of sex trafficking to get shelter in South Kitsap
Kitsap Sun, April 29, 2018
https://www.kitsapsun.com/story/news/local/2018/04/29/victims-sex-trafficking-get-shelter-south-kitsap/556277002/

Coffee Oasis still plans for Belfair
Kitsap Sun, September 20, 2017
https://www.kitsapsun.com/story/news/local/communities/mason/2017/09/20/coffee-oasis-still-has-plans-belfair/686551001/

Bring Coffee Oasis to Bainbridge Island
https://www.youtube.com/watch?v=ug6Lgzz1fuo&feature=youtu.be

Poulsbo, Coffee Oasis team up to provide transitional housing for women
Kitsap Daily News, July 19, 2017
https://www.kitsapdailynews.com/news/poulsbo-coffee-oasis-team-up-to-provide-transitional-housing-for-women/

Developing nearby: Kingston Coffee Oasis to help homeless youth
My Edmonds News, July 19, 2016
https://myedmondsnews.com/2016/07/developing-nearby-kingston-coffee-oasis-to-help-homeless-youth/

24/7 Oasis Crisis Text and Crisis Intervention Team Line Annual Budget

Crisis Text Line	$ 1,000 (utility cost annually)
Crisis Case Manager	$ 49,500
Outreach worker	$ 45,000
Therapist	$ 66,500
Chemical Dependency Counselor	$ 66,500
	$228,500

*(75,000) The Tyler Moniz Project Financial Support

$153,500 Balance Remaining Needed

* This financial support was raised by The Tyler Moniz Project with 1500 Bainbridge Islanders making donations.

The Coffee Oasis has received public funding from the following governmental agencies:

National
U.S. Department of Family & Youth Services Bureau
(FYSB FY2018) Runaway and Homeless Youth Basic Program Grantees

Washington State
State of Washington Department of Commerce
Washington Office of Homeless Youth (Innovative Grants 2016 & 2017)

Kitsap County
The Coffee Oasis is funded in part by the following cities - Bremerton, Port Orchard, and Poulsbo
City of Bremerton Block Grant
Kitsap County Commission on Youth and Children
Kitsap County Homeless Housing Grant

Pierce County
Pierce County (see press release on next page)

Washington State Tribes
S'Kallam Tribe
Suguamish Tribe
Tulalip Tribe

News Release

www.piercecountywa.gov

FOR IMMEDIATE RELEASE

Nov. 29, 2018

2018 Supplemental Budget passes with investments towards homeless youth

The Pierce County Council voted unanimously on Tuesday, Nov. 27. to adopt a supplemental budget with funding for homeless youth, courts and abatement.

"Funding projects like Coffee Oasis where homeless youth will be served and provided with the resources they need are a must for our community," said Pierce County Council Chair Doug Richardson. "This supplemental budget reflects the Council's continued commitment to public safety and abatement."

Investments include:

- $150,000 allocated for the Blighted Property Maintenance Fund.
- $25,000 to Coffee Oasis Tacoma Project to create opportunities for homeless youth.

DRAFT 2

CITY OF
BAINBRIDGE ISLAND

Community Needs Assessment Report

September 19, 2016

Executive Summary

Overall Finding #5

Teenagers' mental health and substance use counseling needs are not being met.

- Teen anxiety is more prevalent than in the County or State, likely due to high-pressure school environments.
- Although some organizations exist to help teens with mental health issues, they currently are not meeting demand. Teens also sometimes do not seek help due to social stigma or confidentiality concerns in such a small community.
- Some working parents are emotionally disconnected from their teens and frequently leave them unsupervised. Many parents turn a blind eye to their children's substance use.
- Rates of teen drinking, marijuana use, and binge drinking are higher than in the County or State.
- Providers say that neither teen drug abuse nor teen alcohol abuse has seen improvement in recent years.
- There are not enough recreational activities for teens other than sports; without an adequate teen center or other attractive venues, teens make risky, unsupervised decisions.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") dated effective September 25,2013 is made by and between Bainbridge Youth Services, a Washington non-profit corporation ("BYS") with its principal place of business at 9330 NE High School Road, Bainbridge Island, WA 98110, and The Coffee Oasis, having its principal place of business at 837 4th Street, Bremerton, WA 98337 ("TCO").

This MOU sets forth the basic terms of condition under discussion between BYS and TCO with respect to the creation and delivery of a location for BYS to provide confidential counseling services to clients of TCO. The summary of basic terms and conditions under discussion are as follows:

1. Location. TCO will provide a secure and confidential room for use by BYS. The room will have a door that closes such that conversations are not audible from the exterior.

2. Clients. TCO will advertise the presence and availability of BYS counselors at the location to the TCO clients.

3. Service. BYS will handle scheduling, counseling, and all paperwork relating to the counseling services provided to TCO clients. Services will be provided during regular TCO business hours. TCO shall have no role or responsibility with respect to the counseling services provided.

4. Time Frame. This agreement will commence on October 1, 2013 and remain effective for and initial twelve months upon which time it will be reevaluated. Either party may terminate the agreement with ten days' notice.

5. No Partnership or Joint Venture. The parties to this MOU do not intend, by this MOU alone, to create a partnership, principal/agent, master/servant or joint venture relationship, and nothing in this agreement shall be construed as creating such a relationship between the parties.

6. Indemnification. Each party will hold harmless and indemnify the other against and from any damage, loss, expense or liability including attorneys' fees and related costs, resulting from the performance of any of the terms, covenants and conditions herein. This hold harmless and indemnification shall survive the termination of this Agreement from any cause whatsoever. If any claim or demand is asserted which is covered by this indemnification, the indemnified party shall give prompt written notice of such claim or demand to the indemnifying party so as to allow the indemnifying party the opportunity to contest and defend against such claim or demand.

7. Notices. All notices required pursuant to this MOU shall be in writing directed to the addresses set forth in this MOU or to such other addresses as may be provided in writing by any party to the other during the term of this MOU.

8. Expenses. BYS and TCO will each be responsible for their respective legal, accounting, advisory, and any other expenses relating to the negotiation, consummation, and operation of this transaction.

9. Governing Law and Disputes. For all disputes or controversies which may arise, in connection with this MOU, its construction, interpretation, effect, performance or nonperformance, or the consequences thereof, the parties hereby consent to the exclusive jurisdiction of the Superior Court of Kitsap County, Washington

10. Authority. The undersigned hereby represent and warrant individually and as officers or members of the respective parties that they have the authority to execute this MOU.

11. Effect. It is understood that this MOU does not constitute a binding contract and that the parties do not intend to be legally bound until a definitive and final contract is executed by the parties; provided, however, that the parties agree to be legally bound by the provisions of Sections 5 through 10, which shall be binding in accordance with their material terms.

12. Counterparts and Facsimiles. This MOU may be executed in separate counterparts, neither of which need contain the signatures of both parties, each of which shall be deemed to be an original, and both of which taken together constitute one and the same instrument. For purposes of this MOU, facsimile, scanned, or digitally transmitted signatures shall be deemed to be original signatures. In addition, if any of the parties sign facsimile or scanned copies of this MOU, such copies shall be deemed originals.

IN WITNESS WHEREOF, the parties hereto have executed this MOU, effective as of the date first set forth above, in duplicate and each shall retain one original each hereof.

Bainbridge Youth Services

By: Marina Cofer-Wildsmith
Its Executive Director

The Coffee Oasis

By: David Frederick
Its Executive Director

July 14, 2017

Kitsap County Citizens Advisory Board
C/O Kitsap County Human Services
614 Division Street MS-23
Port Orchard, WA 98366

Re: Letter of Commitment to provide Mental Health, Chemical Dependency and Therapeutic Court Programs

Dear Citizens Advisory Committee:

On behalf of Kitsap Mental Health Services (KMHS), I am writing to express our support and commitment for "The Coffee Oasis" grant proposal to provide services to young people with significant behavioral health concerns. KMHS staff have a long history of working with The Coffee Oasis in our mutual efforts to work with vulnerable, and often disenfranchised, young people in need of behavioral health services, housing, and social service supports. We have experienced that youth are well supported in their recovery and their ability to live successful, restored lives through the work of "The Coffee O" and we are pleased to commit staffing capacity that will support this endeavor.

Kitsap Mental Health Services will commit the following resources to the proposal submitted by Coffee Oasis:

- 2 FTE KMHS Behavioral Health Therapists as detailed in this application.
- Administrative oversight of therapist and regular supervisory guidance.

The KMHS Therapists will, under the guidance of a KMHS Young Adult Transition Team Supervisor, maintain a client caseload, conduct mental health assessments and referrals; provide brief intervention; trauma support; as well as individual and group counseling using practices shown to reduce symptoms of anxiety and depression, build emotional regulation skills, promote responsible behavior and improving treatment engagement, and identifying needs and addressing the circumstances of homelessness. The focus is on recovery and improved treatment engagement, and on activities of daily living impacted by mental illness or disability through mutually created and implemented individualized service plans

The KMHS Therapists will function as part of The Coffee Oasis Project Team, while simultaneously serving as a bridge to the intensive

KITSAP MENTAL HEALTH SERVICES

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Joe Roszak
Chief Executive Officer

The mission of Kitsap Mental Health Services is to shape the future of mental health through state of the science service delivery, community partnerships and advocacy.

Ph (360) 373-5031
TDD (360) 478-2715
Fax (360) 377-0458

5455 Almira Drive NE
Bremerton, WA 98311-8331

www.kitsapmentalhealth.org

ENVIROSTARS CERTIFIED

United Way

KMHS does not discriminate against any person on the basis of race, color, national origin, sex, disability, marital status, religion, ancestry, age, veteran status, or other protected status under applicable laws in its programs and activities.

services available through the community mental health center, but in a location and manner more engaging to young people who have often found themselves struggling with authority and institutions where they often will not seek needed help. The KMHS Child and Family Program Director will maintain a role in shaping the implementation of this Project, working closely with The Coffee Oasis Team. Together KMHS, The Coffee Oasis and their partners focus on achieving a collective impact, aiming to solve a long standing problem by offering earlier intervention to homeless/at risk of homelessness youth with behavioral health issues before they are "lost to the streets."

We believe this level of support and our commitment of behavioral health services will significantly improve the availability of Mental Health, Chemical Dependency and/or Therapeutic Court Programs in the County and we look forward to working with you on this important endeavor.

Sincerely,

Joe Roszak
Chief Executive Officer

From: Kelly Eisenhood <keisenhood@bainbridgewa.gov>
Sent: Monday, November 26, 2018 11:46 AM
To: Barbara Burns <bburns@bainbridgewa.gov>; Lesley Hetzler <lhetzler@bainbridgewa.gov>
Subject: RE: request for information

There are 212 calls for service that either mention "suicide", or that we are aware are suicide related calls, from 1/1/2017 to 11/26/2018. This list is for suicide calls, but also includes aid, assist, welfare checks, mental, DV, runaway calls, etc.

Please note that some of these calls are not necessarily suicide events, but definitely involve people in crisis. Some of the welfare check and mental calls come through as a concern for someone's wellbeing that have a history of suicide attempts, or the risk for suicide is unknown by the caller. My numbers include those calls. If you would like the numbers that are just strictly suicidal events, let me know and I'll pull the numbers in a different way.

Thank you,

Kelly Eisenhood, Sr. Police Clerk
Bainbridge Island Police Department
625 Winslow Way East
Bainbridge Island, WA 98110
www.bainbridgewa.gov
206.842.5211 (Office)
206.780.4660 (Desk)
206.780.8596 (Fax)

Tuesday, December 4, 2018

I have worked with our Medical Services Administrator (MSA) and determined the following information with a few qualifiers. The qualifiers are that the Fire Department does not track crisis calls specifically, or even suicide attempts unless the patient tells us directly or a suicide note is located at the scene.

Working together we have concluded that for the age group 13 to 25, the fire department responded to 9 medical calls in 2018 that could definitively be categorized suicide or crisis.

As I mentioned before, there undoubtedly are more but we have them categorized with the acute medical problem.

If you would like further assistance please let me know or I can put you in touch with our MSA.

I will consider this records request complete unless I hear from you again.

Thank you,

Hilary D. Hall
Finance Administrator

Bainbridge Island Fire Department
8895 Madison Ave NE
Bainbridge Island, WA 98110
Main line 206-842-7686
Direct line 206-451-2038
Fax 206-451-2005

DATA REQUEST REPORT: Youth Crisis Calls: Kitsap County and Bainbridge Island

Requestor: Debbi Lester, Bainbridge Island City Council
Prepared by: Siri Kushner, Epidemiologist, Kitsap Public Health District
December 4, 2018

Phone Calls to the Crisis Clinic of the Peninsulas

Definitions:

Calls FROM youth 14-18: These are calls where the caller was identified as falling between the ages of 14-18 as entered into an age group selection about the caller's basic data

Calls FROM OR ABOUT youth 13-25 years of age – manual search through records to look for mentions of the callers age, or the age of the person for which the call is about or the assistance requested is target toward. (Calls FROM youth as defined above are excluded from this count)

	Kitsap County total		Bainbridge Island	
	2017	2018 (1/1-11/30)	2017	2018 (1/1-11/30)
calls from youth age 14-18	60	83	2	7
calls from/about youth ages 13-25*	71	93	7	6
Total	131	176	9	13
average per month	10.9	16.0	0.8	1.2

*some of the increase in calls to the crisis line ABOUT youth in 2018 can be attributed to the introduction of the WISe team at KMHS. Calls FROM youth are up, but not attributed to increased calls from the WISe team clients.

Source:
Peninsulas' 2-1-1 / Crisis Clinic of the Peninsulas
personal communication with Cory Derenburger, 11-30-18

Contacts via Oasis Crisis Phone (2017) and Text (2018) Line

Notes:

Tracking data from specific locations is difficult if a youth does not inform us of their location. Sometimes a youth will tell us which school they attend or from what region they are living. Going directly off their phone numbers is not helpful either.

	Kitsap County total		Bainbridge Island	
	2017	2018 (1/1-11/30)	2017	2018 (1/1-11/30)
calls to 24 hr crisis phone line	60		12	
texts to 24 hr crisis line		130		2
Total	60	130	12	2
average per month	5.0	11.8	1.0	0.2

"We have not "blitzed" Bainbridge Island specifically other than providing BIPD and BYS with our touch cards. The reason for this is that those youth that do connect with the text line and need further services is difficult to provide as we don't have a location on the island. If a youth wanted to meet with one of our therapists at a cafe the closest location would be Poulsbo which we are trying to avoid doing so they don't have to travel so far for support. This is why a location on the island would help foster support and engagement for youth that is hurting."

Source:
The Coffee Oasis
personal communication with Erica Steele, 12-3-18

Community Support for Coffee Oasis Bainbridge

(L-R) Coffee Oasis Community Director Daniel Frederick, Coffee Oasis Founder Dave Frederick, and Governor Jay Inslee

"As a mom, I have seen firsthand the amount of pressure our youth feel on a daily basis here on Bainbridge and it's one of many reasons I support innovative approaches like The Tyler Moniz Project. The young people in our community need to be able to seek out support on their own terms so they feel empowered – and this (Coffee Oasis) project is a step in the right direction."

– **Christine Rolfes**, Washington State Senator

"Coffee Oasis has been a godsend to the communities where it operates. From the moment the Poulsbo location opened, it was obvious their unique service to youth in need had to be replicated in Kingston. Youth in crisis know no boundaries and Bainbridge Island would benefit from having a Coffee Oasis closer to home."

– **Robert Gelder**

Kitsap County Commissioner

"It is a moral imperative for all of us to care for the most vulnerable in our community, most importantly for our children.

This is the mission of Coffee Oasis."

– **Becky Erickson**, Poulsbo Mayor

"I encourage Bainbridge to give serious consideration to this request (24/7 Oasis Crisis Text Line). I believe it will be a great benefit to the youth of your community."

— **Greg Wheeler**, Bremerton Mayor

"For years I've been familiar with Coffee Oasis's innovative and effective work across Kitsap County. I'm ecstatic to hear that an effort is underway to bring Coffee Oasis to Bainbridge!"

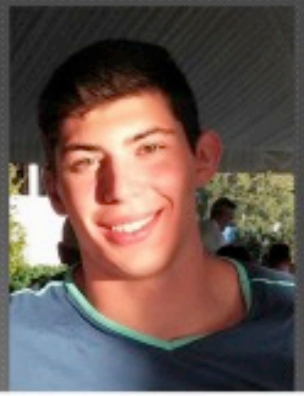
– **Kol Medina**

Bainbridge Island Mayor and Council Member

"We try to hear Tyler's voice as to what would've made a difference for him? We believe Coffee Oasis will be a place to make a difference in young lives."

– Lee & Jeff Moniz

The Tyler Moniz Project Co-Founders



"Coffee Oasis is a place for young adults to go and be comfortable and confident in who they are, knowing that they will always be supported by the people there." — **Hanna Nodsle**

"For our kids to have a place they can call their own, where they can open up, be themselves and learn their feelings are normal, ok–and universal–is the greatest gift. This community project would help to provide our kids the critical missing piece we see so evident today: Self-love and self-esteem."

– Chip McDermott

"A Coffee Oasis for Bainbridge Island kids … Tyler helped me see this is needed."

– Liz Bracken

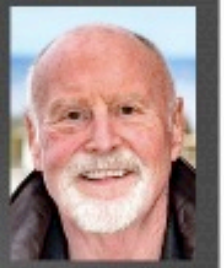
The Tyler Moniz Project Board Member

"I have always been astonished that young people don't have a place to hang out on the island. I am grateful for the efforts and energy people are making to change that."

– Charlotte Rovelstad

"My son was a friend and teammate of Tyler Moniz. When we heard of his suicide, we were thunderstruck. I'd not realized how few places there were on the Island for teens to gather, and I'd not been aware of the aloneness that some of our sons and daughters face, even when surrounded by friends. I do believe, and have found that many people from all walks have these feelings and worries. Being able to talk about them can take away some of the stigma, embarrassment, and isolation that becomes hopelessness. If Coffee Oasis provides that outlet, Bainbridge will be that much the better for it."

– Bill Touchette



Crisis text line helping save teens' lives in Kitsap County

King 5 News, Author Ted Land, August 10, 2018
Please click link below to view King 5 News Segment:
https://www.king5.com/article/news/local/crisis-text-line-helping-save-teens-lives-in-kitsap-county/281-582514414

A Kitsap County non-profit has found a way to harness teens' favorite habit - texting - and use it to help save lives.

The Coffee Oasis, a faith-based organization that serves homeless youths, started a crisis texting line earlier this year.

Trained volunteers are available around the clock, responding to messages.

"They just know that there are people here that will help them," said Dave Secrest, a therapist with Coffee Oasis.

He recalled a case where a young woman was in the woods, ready to take her life when she tapped out a message to the crisis line.

"She really was at a place of feeling like there was no other choice, and for her and her particular situation, being able to talk to somebody meant the world to her," Secrest said.

The woman is now in counseling, he said.

"In some desperate moment, she was asking for, is there hope?" Secrest said.

An earlier Coffee Oasis crisis phone line got very few calls. It wasn't until they switched over to texting that teens started speaking up.

"You can't really expect a kid who is hanging out with friends or parents or whatever it is to excuse themselves to make a phone call when they're in crisis. It's easier for them to text somebody," said Joshua Goss, crisis intervention team program manager for Coffee Oasis.

When kids return to class in a few weeks, they'll see cards with the crisis number in Kitsap County schools. The Coffee Oasis says they are a crucial reminder that someone is listening.

"One student saw it in a bathroom and she texted in with us. She was feeling hopeless, and we were able to connect through that text and help her," Goss said.

To reach the 24/7 teen crisis in Kitsap County, text "CoffeeOasis" to 360-377-5560.

In Seattle - King County and the rest of the state, teens can call or text TeenLink at 866-833-6546.

Adults in Seattle-King County can call the Crisis Connection 24-hour crisis line at 866-427-4747.

The National Suicide Prevention Lifeline is 800-273-8255.

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Changemaker: Bremerton visionary brews coffee to get homeless youth off the streets

Q13 Fox, June 14, 2018
Please click link below to view Q13 Fox News Segment:
https://q13fox.com/2018/06/14/changemaker-bremerton-visionary-brews-coffee-to-get-homeless-youth-off-the-streets/

BREMERTON, Wash. -- On the Kitsap Peninsula, buying a cup of coffee makes you part of the solution to our growing homeless crisis.

It's all thanks to the work of Changemaker Dave Frederick and his wife Cindy who founded The Coffee Oasis. The faith-based non-profit headquartered in Bremerton operates four coffee shops in the area and uses the profits to support youth programs.

"It's definitely what we've been called to do and it's our lives," Frederick says.

The pastor has dedicated the last 21 years to supporting troubled teenagers and young adults, who struggle with homelessness, drug abuse, violence, and poverty. He witnessed much of it, while riding along with Bremerton Police officers as a chaplain.

Wanting to help, Frederick and his wife opened up their home to foster as many homeless teenagers as they could, but they realized, they couldn't house them all. So, they brewed up a plan, involving a run-down coffee shop in Bremerton that had become a hangout for troubled teenagers, including one, who took his own life.

"When we saw that Coffee Oasis was for sale," Frederick recalls. "I thought, wow. This place that experienced such tragedy could become a place of hope."

And it has.

Place of tragedy becomes place of hope

The coffee sold here fuels the outreach and the programs, designed to prop up anyone from the age of 13 to 25 who may be struggling.

A staff of 65 people provide crisis intervention, street and school outreach, therapy, mentoring, job training, internships, and more. There are youth centers connected to all four coffee shops for young people who may be homeless to shower and get access to resources.

Success stories

21-year-old Lucas Flanagan struggled with drugs, mental health issues, and a criminal record before he ended up on the streets last fall. He found a safe place to sleep at night, a warm meal, and so much more at The Coffee Oasis Teen Shelter on Burwell Street in Bremerton.

He says without The Coffee Oasis, "I would probably still be homeless and I would probably using drugs and not working."

He credits he programs at The Coffee Oasis and the staff's personal approach for his dramatic turnaround. Flanagan works full-time at the MOD Pizza in Silverdale and is moving into his own apartment.

He's just one of hundreds of success stories.

26-year-old Gage Foley was homeless for a time when he was 19.

“It saved my life," he says about The Coffee Oasis. "It gave me hope.”

Foley says guided him out of a life of drugs, chaos, and failed relationships-- into stability. He now owns and operates his own landscaping business.

“This is something that is changing the community,” he says. "There's some hope for humanity and The Coffee Oasis is helping with that."

Employees who can relate

Many of those providing the support have been there. That includes Lisa Henderson, who manages Street Hope, the street and school outreach program.

“I actually have four felonies myself,” Henderson says. “I remember being 13-years-old and walking down the road and wishing somebody who wasn’t an abuser would actually pull over and ask me if I needed a ride.”

When Flanagan needed a place to stay, Henderson, a mother of young children offered him a place in her home.

Henderson says, “When we sign on names on the dotted line (to work at The Coffee Oasis), it’s like OK, we’re going to give our lives to change the world for homeless youth and that means offering up your home at times.”

Opening more locations--helping more youth

Other communities are reaching out to The Coffee Oasis saying, "Come here."

In September, The Coffee Oasis is opening up a new location in Kingston. It plans to open locations in Tacoma, Bainbridge Island and Belfair next year.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:10 PM) Use of Transportation Benefit Fund Fee Increase - Finance,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:

Discussion of possible uses of new revenue from an increase to the vehicle license fee. Discussion of whether to update the City's Financial Policies to reflect Council direction for use of Transportation Benefit Funds.

I move to forward Resolution 2018-38, Updating the City's Financial Policies, for consideration of approval at the January 8, 2019, Council meeting.

SUMMARY:

At the City Council's Study Session on December 4, 2018, the Council discussed a potential $10 fee increase for vehicle license fees. The current vehicle license fee is $20. Revenue from this fee is collected in the City's Transportation Benefit Fund. Through the budget process, money is transferred out of the fund to eligible projects and programs. Consideration of the potential fee increase is scheduled for the City Council meeting on January 8, 2019.

Ahead of consideration of the fee increase, Council scheduled time at this meeting for additional discussion of proposed uses for the new revenue, in the event a fee increase is approved. If City Council develops specific direction on how these revenues are to be used, City staff recommend that the City articulate this direction within the City's Financial Policies.

As an example, the attached resolution provides new language for the City's Financial Policies to direct the spending of these funds. The proposed language reflects Council's discussion on December 4 about the potential to direct this revenue to support eligible projects and programs related to traffic calming and climate change mitigation. If the Council determines to direct a different use of these funds, the resolution can be revised accordingly.

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

BACKGROUND:

During the discussions of the 2019-2020 Proposed Budget, the Council requested that staff bring a resolution to increase the vehicle license fee from $20 to $30; the Council provided guidance as to the use of the new revenue during the budget discussions.

At the meeting on December 4, 2018, the Council considered a draft resolution to increase the vehicle license fee and discussed ways to direct staff on the spending of additional revenue due from an increase in the vehicle license fee. It was decided to continue the discussion on December 11, 2018.

Staff suggests that the Council provide guidance through the City's Consolidated Financial Policies. Accordingly, staff is providing draft revised financial policies for consideration with new language to direct the spending of the additional revenue from an increased vehicle license fee to projects and programs specific to traffic calming and climate change mitigation.

Use of all Transportation Benefit Fund monies is approved by the Council through the budget appropriation process.

ATTACHMENTS:

Resolution 2018-38 Financial Policies for CC 12112018

FISCAL DETAILS:

Fund Name(s): Other

Coding:

RESOLUTION NO. 2018-38

A RESOLUTION of the City of Bainbridge Island, Washington, establishing a consolidated set of updated financial and budget policies, and updating policies adopted by the City during 2018.

WHEREAS, the City Council ("Council") is responsible for setting financial policy for the City of Bainbridge Island ("City"); and

WHEREAS, state law, including Chapter 35A.33 RCW, provides guidance for budgets in Code Cities; and

WHEREAS, Chapter 35A.34 RCW authorizes cities to establish biennial budgets, under which authorization, and the authorization of the Bainbridge Island Municipal Code ("BIMC"), including Chapter 2.82 BIMC, the City prepares a biennial budget with a mid-biennial review; and

WHEREAS, in the past, the Council has approved policies, and passed resolutions related to financial policies, that continue to guide City financial practices including, but not limited to: Resolution No. 1993-52, which establishes investment policies; Resolution No. 2008-01, which establishes an Emergency Rainy Day Reserve Fund and a Contingency Reserve within the General Fund; Resolution No. 2008-14, which establishes debt management policies; Resolution No. 2010-35, which set targets for General Fund reserves; Resolution No. 2013-13, which provides that funds from the City's utilities shall not be expended for general governmental services; Resolution No. 2014-17, which sets a minimum fund balance policy for the General Fund; Resolution No. 2016-20 adopting a Municipal Securities Disclosure Policy, which establishes public disclosure rules for City-issued municipal securities; Resolution No. 2016-18, which establishes procedures for the surplus and sale of City real property; Resolution No. 2016-19, updating the consolidated Financial Policies; and Resolution No. 2018-07, updating the consolidated Financial Policies; and

WHEREAS, the Council wishes to provide direction on the types of eligible spending to be supported with Transportation Benefit funds as authorized by Chapters 36.73 and 36.74 RCW; and

WHEREAS, the Council and Administration wish to establish an ongoing consolidated set of Financial and Budget Policies ("Financial Policies") to be administered by the Administration and to guide Council action on an ongoing basis.

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

Section 1. PURPOSE

The primary purpose of financial policies is to provide guidelines for the City Council and staff to use in making financial decisions that ensure core services are maintained and the Council's vision for the community is achieved.

The financial policies guide the City to be able to withstand local and regional economic variations, to adjust to changes in service requirements, and to respond to other changes as they affect the community.

It is the policy of the City to maintain an excellent credit rating and assure taxpayers that the City of Bainbridge Island is maintained in sound financial condition.

SECTION 2. OPERATING BUDGET POLICIES

The biennial budget is the City's comprehensive two-year financial plan, which supports the City's approved programs and services.

City programs and services support achievement of the following results, as identified and approved by the City Council:

- Green, Well-Planned Community
- Healthy and Attractive Community
- Reliable Infrastructure and Connected Mobility
- Safe City
- Vibrant Economy
- Good Governance

Biennial budgets should provide for design, construction, maintenance and replacement of the City's capital assets and equipment consistent with the Capital Facilities Plan including the related cost for operating new assets.

The City will maintain all its assets such that it protects the City's capital investment, preserves public safety, and minimizes future maintenance and replacement costs.

All general government current operating expenditures will be paid from current revenues and cash carried over from prior years.

The City shall adopt a balanced budget. The City defines a balanced budget as one in which current biennium budgeted revenues in addition to fund balances are equal to or greater than

current biennium budgeted expenditures. In addition, the City's budget shall maintain recurring expenditures for each fund at a level less than recurring revenues for that fund.

Reports on revenues and expenditures shall be prepared monthly and provided to the Council. Mid-year and annual reports will also be prepared and provided. These reports will also be posted to the City's website or reporting portal.

The City shall consider its financial capacity when making budget decisions. Staff shall deliver to Council a ten-year Financial Capacity Analysis as part of the biennial budget process. For each Financial Capacity Analysis, the financial assumptions shall be reasonable and shall take into account an appropriately chosen set of inflation factors and an appropriate set of economic projections. The Administration's chosen assumptions for revenues, expenditure inflation factors and economic measures shall be disclosed to the Council.

SECTION 3. REVENUES

The City will strive to maintain a diverse and stable revenue stream to protect against short-run volatility of any single revenue source.

Because revenues, especially those of the General Fund and other tax-supported funds, are sensitive to economic changes, the City will use a conservative approach to revenue forecasting.

Departmental revenues of the tax-supported funds shall be considered unrestricted revenue of the City – subject to any applicable legal restriction, and subject to any applicable provision of the Financial Policies, that may apply to a particular revenue source.

Revenues from the Commercial Parking Tax shall be treated as revenues of the Street Fund.

Real Estate Excise Tax revenue shall be first applied to current capital debt service and then, to the extent available, to other eligible expenses.

On an annual basis, Transportation Benefit Fund revenue will be distributed in the following manner; two-thirds will be applied to eligible projects and programs under Chapters 36.73 and 36.74 RCW for preservation of the roads network, and one-third will be applied to eligible projects and programs under Chapters 36.73 and 36.74 RCW that are specific to traffic calming and climate change mitigation.

The City shall maintain a structure for all fees and charges where the beneficiary of the service pays the cost of that service except to the extent that the Council has determined that provision of the specific service in question provides a general public benefit.

On a periodic basis, Building and Development Services (B&DS) rates shall be reviewed, with a goal of full cost recovery for the B&DS Fund.

The City will maintain water, sewer and storm water utility rates adequate to ensure that each of these three utility funds is fully self-supporting. Additionally, for analysis and rate modeling purposes, the proposed rates shall take into account debt service coverage commitments, if applicable. The capacity to support identified utility reserves will also be taken in to account.

SECTION 4. EXPENDITURES

The City budget will provide for a sustainable level of service to meet the City's identified results.

The City will maintain expenditure categories according to state statute and administrative regulation. Capital expenditures shall meet the requirements of generally accepted accounting principles (GAAP).

The City shall use major one-time revenue to fund capital improvements, debt reductions, or reserves. The use of one-time revenues to fund operating expenditures is strongly discouraged.

The Council shall review the Administration's recommended plan for the allocation of City costs to various funds as part of the biennial budget process.

As a general rule, when an expenditure is incurred for which both restricted and unrestricted fund balance is available, the City will consider the more restricted amounts to have been spent first.

On a periodic basis, the Administration shall compare the cash compensation and the value of benefits for City employee positions to the compensation and benefit levels to a set of comparable employers, to provide data for potential compensation and benefit policies which may be adopted by the Council.

SECTION 5. CAPITAL

The Capital Facilities Goals and Policies that are stated in the City's Comprehensive Plan, as amended from time to time, are hereby included in full in the Financial Policies.

The Capital Improvement Plan and the City operating budget will be reviewed at the same time to ensure that capital and operating needs are balanced with each other and support overall City goals.

The City shall develop a six-year plan for capital improvements and update it at least biennially.

The City will identify the estimated costs and proposed funding sources for each capital project proposal before it is submitted to Council for approval. The City will use intergovernmental

assistance and outside resources whenever possible. In the event that a grant, or other type of intergovernmental assistance, is identified as a funding source for a project and the outside funding is not secured, the City will reconsider the financial viability of that project at that time.

Each individual project included in the capital improvement plan (CIP) shall have a budget with identified contributions by fund. Each fund amount shall be distinct and cannot be transferred without amending the CIP. Reporting will be presented at the project and fund level.

When a capital project is complete and has been capitalized in accordance with Generally Accepted Accounting Principles, any remaining project budget appropriation authority shall lapse and all remaining funds shall return to their original source.

SECTION 6. RESERVES

Reserve funds enable the City to deal with unforeseen emergencies and changes in economic conditions.

General Fund Reserves

Emergency Reserve: The City shall maintain an Emergency Reserve with a budgetary target amount of $1.0 million. These funds shall be used only to pay for emergencies that cannot reasonably be accommodated by current budget appropriations. These funds may be appropriated only by a vote of not less than five (5) members of the City Council or the unanimous vote of a legal quorum. It is the Council's policy that if funds are spent from the Emergency Reserve, it should be replenished as resources become available.

General Fund Minimum Fund Balance. The City shall maintain a minimum fund balance of 25% of ongoing revenues in the General Fund. The General Fund minimum fund balance shall mean the dollar amount of unencumbered fund balance, excluding any amounts held in reserves or otherwise committed funds. This fund balance is intended to provide stability in the event of unexpected changes to revenues or expenses.

Utility Fund Reserves

Capital Contingency Reserve. Each utility fund shall maintain a separate capital contingency reserve. Each reserve shall have a targeted level of at least one percent (1%) of the utility system's capital assets at net book value. The primary purpose of the reserve is to provide a ready source of cash in case of an emergency, should a major piece of equipment or a portion of the utility's infrastructure fail unexpectedly.

Operating Reserve – Water and Sewer Funds. These reserves shall have a targeted level as of each year-end of at least sixty (60) days' operating expenses. The primary purpose of the reserve is to provide cash for operations in case of seasonal variations in revenue or expenses, or to support operations in a year in which revenues are abnormally low.

Operating Reserve – Storm and Surface Water Management Fund. This reserve shall have a targeted level as of June 30 and December 31 of at least 90 days' operating expenses. The primary purpose of the year-end reserve is to provide cash for operations during the period between the payment of the fees, which occurs in two large payments in April and October.

Restricted Debt Reserve. To the extent that the City issues a form of debt (e.g. Revenue Bonds) that requires the City to maintain a restricted cash reserve during the term of the debt repayment period, the utility shall maintain a restricted reserve for such purpose. This reserve is to safeguard the purchasers of the utility's debt, and may be used to fund the final installment or last year's debt service.

SECTION 7. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

The City will establish and maintain a high standard of internal controls and accounting practices. The City accounts and budgets for revenue and expenditures on a modified accrual basis for general government and enterprise activities. Year-end financial statements for enterprise activities shall use full accrual accounting.

The accounting system will maintain records on a basis consistent with accepted national standards for local government accounting and the Washington State Auditor's Budgeting, Accounting and Reporting System.

The annual financial statements shall conform to Generally Accepted Accounting Principles (GAAP) and be in the form of a Comprehensive Annual Financial Report as recommended by the Government Finance Officers Association.

A capital asset system will be maintained to identify all City assets and their location.

The City will ensure that City records are audited annually, resulting in a financial opinion. The results of the audit will be available to the public through the City's website.

SECTION 8. DEBT

The City's Debt Policy, as it may be amended from time to time, is hereby included in the Budget Policies.

SECTION 9. INVESTMENT

The City's Investment Policy, as it may be amended from time to time, is hereby included in the Financial Policies.

SECTION 10. BANKING AND MONEY MANAGEMENT

Safety

The City shall engage in relationships, and conduct its business, with one or more banks, repositories of public pooled funds, and financial institutions in a manner that avoids concentrating City balances in a way that may expose the City to material losses in the event of an adverse development affecting any bank or financial institution in which City assets are held.

Money Management

The City Administration shall seek to form relationships with banking and financial institutions that offer the City efficient and effective tools and technologies to manage and track transactions and balances.

SECTION 11. MUNICIPAL SECURITIES DISCLOSURE

The City's Municipal Securities Disclosure Policy, as it may be amended from time to time, is hereby included in the Financial Policies.

SECTION 12. SURPLUS REAL PROPERTY

The City's Surplus Real Property Policy, as it may be amended from time to time, is hereby included in the Financial Policies.

SECTION 13. PROCUREMENT POLICY

The City's Procurement Policy, as it may be amended from time to time, is hereby included in the Financial Policies.

PASSED by the City Council 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: December 7, 2018
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: 2018-38

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:20 PM) Resolution 2018-36 Amending the City's Fee Schedule to Add a New Fee for Applications for "Legislative Review of Development Regulations" and to otherwise clarify the Fee Schedule related to rezones - 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. 2018-36.

SUMMARY:

Resolution No. 2018-36 (attached) proposes to amend the City's Fee Schedule to address non-City initiated applications for Legislative Review of Development Regulations (BIMC 2.16.180). These applications would be requests to modify, repeal, or add development regulations to the Bainbridge Island Municipal Code.

BIMC 2.16.180's title refers to "Legislative review of regulations and area-wide rezones." The City's current Fee Schedule includes a fee for "Rezone" in the amount of $3,053, but does not explicitly include a fee for "Legislative review of regulations," and, as a result, the fee for that activity needs to be clarified and established in the Fee Schedule.

City staff have estimated that the amount of City staff time to process applications related to legislative review of development regulations is similar to City staff time related to processing rezone requests and that, therefore, the fee for these activities should be the same (i.e., $3,053). This resolution will clarify this matter and explicitly establish the fee for legislative review of development regulations.

Additionally, the current Fee Schedule includes, related to the "Rezone" fee, an outdated reference to "BIMC 18.114.030b," and that reference needs to be updated to instead reference BIMC 2.16.140, which relates to site-specific rezones, and to BIMC 2.16.180, which, as described above, relates to "Legislative review of regulations and area-wide rezones." This resolution will update those BIMC references.

FISCAL IMPACT:

Amount:	

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

BACKGROUND:

ATTACHMENTS:

Resolution No. 2018-36 Amending Fee Schedule-Legislative Review of Development Regulations

FISCAL DETAILS:

Fund Name(s):

Coding:

RESOLUTION NO. 2018-36

A RESOLUTION of the City of Bainbridge Island, Washington, amending the City's Fee Schedule to add a fee for "Legislative Review of Development Regulations" to apply when a person or entity requests such a change to the Bainbridge Island Municipal Code, and to otherwise clarify the Fee Schedule related to rezones.

WHEREAS, Bainbridge Island Municipal Code (BIMC) Section 2.16.180, "*Legislative review of regulations and area-wide rezones,*" states, in part, that "*Any person, entity, or the city may propose an amendment to the BIMC*"; and

WHEREAS, the City is clarifying and formalizing the process for requests for legislative review of development regulations related to the BIMC by creating an application for such non-City amendment requests; and

WHEREAS, regarding BIMC 2.16.180's title, which, as stated above, refers to "*Legislative review of regulations and area-wide rezones,"* the City's current Fee Schedule includes a fee for "Rezone" in the amount of $3,053, but does not explicitly include a fee for "Legislative review of regulations," and, as a result, the fee for that activity needs to be clarified and established in the Fee Schedule; and

WHEREAS, City staff have estimated that the amount of City staff time to process applications related to legislative review of development regulations is similar to City staff time related to processing rezone requests and that, therefore, the fee for these activities should be the same (i.e., $3,053); and

WHEREAS, the current Fee Schedule also includes, related to the "Rezone" fee, an outdated reference to "BIMC 18.114.030b," and that reference needs to be updated to instead reference BIMC 2.16.140, which relates to site-specific rezones, and to BIMC 2.16.180, which, as described above, relates to "*Legislative review of regulations and area-wide rezones*."

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 follows, including to establish and include the following new fee:

LEGISLATIVE REVIEW OF DEVELOPMENT REGULATIONS (BIMC 2.16.180, Resolution No. 2018-36)	$3,053.00

Section 2. Section 9, Building and Planning Fees, of the City's Fee Schedule is hereby amended as follows to correct an outdated reference:

REZONE (BIMC ~~18.114.030b~~ 2.16.140, BIMC 2.16.180, Resolution No. 2006-50)	$3,053.00

Section 3. The City Clerk is hereby authorized to alphabetize Section 9 of the City's Fee Schedule to include this new fee.

Section 4. This resolution will take effect immediately upon passage.

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:	December 11, 2018
PASSED BY THE CITY COUNCIL:	December __, 2018
RESOLUTION NO.	2018-36

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:25 PM) Appointment of Deputy Mayor for January 2019 through June 30, 2019 - Mayor Medina,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

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

RECOMMENDED MOTION:

Accept nominations for Deputy Mayor and make appointment.

SUMMARY:

Councilmembers will nominate and appoint a Councilmember to serve as Deputy Mayor for January 2019 through June 2019.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

City Council Regular Business Meeting Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:30 PM) Appointments to the Climate Change Advisory Committee, Ethics Board, and Marine Access Committee - Mayor Medina

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Appointment **PROPOSED BY:** Executive

RECOMMENDED MOTION:

Move to appoint the following individuals to the following committees: Michael Cox (Climate Change Advisory Committee, Position 1 through June 2021); Suzanne Keel-Eckmann (Ethics Board, Position 4 through June 2021); and Terry Kirby (Marine Access Committee, Position 1 through June 2020).

SUMMARY:

A call for participation was issued for volunteers to serve on the Climate Change Advisory Committee, Ethics Board, and Marine Access Committee. Interviews were completed and Mayor Medina has brought forward his recommended appointments.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

Climate Change Advisory Committee - Cox (Redacted)

Ethics Board - DeRosalia Redacted)

Ethics Board - Eckmann (Redacted)

Ethics Board - Fong (Redacted)

Ethics Board - Neal (Redacted)

Marine Access Committee - Goussev (Redacted)

Marine Access Committee - Herring (Redacted)

Marine Access Committee - Hershberg (Redacted)

Marine Access Committee - Kerby (Redacted)

Marine Access Committee - Seubert (Redacted)

FISCAL DETAILS:

Fund Name(s):

Coding:

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Saturday, November 10, 2018 3:52:32 PM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Michael Cox
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Retired
Current Position	Retired
I am interested in serving on one of the following advisory groups (select all that apply):	Climate Change Advisory Committee (NOT RECRUITING AT THIS TIME)

Experience & Qualifications

Have you served on any city advisory groups in the past?	Yes
If so, please indicate which groups:	Planning Commission Non-Motorized Committee Climate Change Advisory Committee
Please share your qualifications for this appointment (skills,	Worked in environmental field for over 30 years. I was the Climate Change Advisory for the Environmental Protection Agency Seattle office for the last 5 years of my career. I served

activities, training, education) if any:	as co-chair of the BI Climate Change Advisory Committee for 4 months prior to taking a job in Saudi Arabia which required me to resign as co-chair.
Please share your community interests (groups, committees, organizations) if any:	Co-chair of Climate Action Bainbridge Organizer of Monthly Climate and Energy Forum series Organizer of Monthly Movies that Matter film series Organizer of Monthly Open Mic Science
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Other Committee members

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Friday, November 9, 2018 9:54:53 AM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Salvatore DeRosalia
Email	
Phone	
Address	9463 NE Business Park Lane
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Bainbridge Strength, Inc.
Current Position	President
I am interested in serving on one of the following advisory groups (select all that apply):	Ethics Board, Public Access Television Advisory Committee (Advisory to Bremerton Council, Mayor & Kitsap County Commissioners)

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	Resident of Bainbridge since March 2000. Have owned several small businesses on the Island since 2002. Bainbridge Computer Center and Bainbridge Strength are the two most significant. I

activities, training, education) if any:	believe I am uniquely qualified to serve on the Ethics board due to my 15+ years of experience in business on Bainbridge, public service as a volunteer Fire Fighter and EMT for COBI for 7 years and all around ethical human.
Please share your community interests (groups, committees, organizations) if any:	I am looking to be a part of these committees so that I may serve the entire population of Bainbridge as well as the folks that work and play here.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Matthew Tirman

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Tuesday, August 28, 2018 10:07:58 AM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Suzanne Keel-Eckmann
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Retired
Current Position	Retired
I am interested in serving on one of the following advisory groups (select all that apply):	Design Review Board (NOT RECRUITING AT THIS TIME), Ethics Board (NOT RECRUITING AT THIS TIME)

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	Current president of board of PAWS BI and North Kitsap Led national channels of corporate responsibility, sustainability, real estate strategy and women's initiative at Deloitte before retiring

activities, training, education) if any:	and moving to Bainbridge Hold LEED AP, Green Belt Process Excellence, CHIC certifications (see resume for more details)
Please share your community interests (groups, committees, organizations) if any:	Ethics Committee Design Review Board Planning Commission
Feel free to attach your resume (optional):	
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Joe Dunstan, Maradel Gale, Gloria Sayler

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Suzanne Keel-Eckmann

Suzanne Keel-Eckmann recently retired from Deloitte, the international accounting and consulting firm. During her 15+ year tenure, she moved from local to regional to national leadership roles by seeking out and taking on new challenges facing the firm. Among her many roles and accomplishments as a firm director, Suzanne served as U.S. director of corporate responsibility and sustainability, led the national women's initiative for her group of 5,000, and led change management for the national real estate function. Before joining Deloitte, she held positions as a non-profit executive, law firm administrator at several multi-location law firms, and owner of her own business.

Suzanne now provides executive/leadership coaching for local, regional and national organizations. Her practice focuses on C-suite leaders in professional services firms, with a particular emphasis on coaching women.

In addition to her leadership in the corporate world, she serves her community. She is currently Board President for PAWS of Bainbridge Island and North Kitsap, and actively volunteers for Fishline in Poulsbo. For the University of Washington, she served on the Women's Center Advisory Board and chaired its NEW Leadership Institute, a program designed to prepare young women for public service. She has also served on the board of the Center for Women & Democracy, developing a program similar to UW's for this non-profit at Seattle University. She is in her eighth year serving as a mentor to second year MBA students through UW's Foster School of Business.

A frequent speaker at national and regional conferences, Suzanne is also a guest lecturer at the University of Washington on the topics of workplace strategies, women in leadership, corporate responsibility and mentorship.

Suzanne attended the University of Alabama, Golden Gate University, and Boston College. She holds multiple certifications including as a LEED AP (Leadership in Energy and Environmental Design Accredited Professional), a Green Belt in Process Excellence, and most recently, as a certified Leadership Coach through the Hudson Institute.

Suzanne and her husband are tending to the needs of an older home on Bainbridge Island which they share with their rescue cats and visiting grandchildren.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Tuesday, October 30, 2018 11:21:33 AM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Erik Fong
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Winged Eagles
Current Position	Consultant
I am interested in serving on one of the following advisory groups (select all that apply):	Ethics Board

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	While I have not yet participated much in civic activities on Bainbridge Island, I have deep experience on boards and commissions in San Jose, CA where I used to live. There, I was

activities, training, education) if any:	the Vice Chair of the San Jose Parks and Recreation Commission, and also served as Vice Presidents on my HOA, as well as the local neighborhood association and Lions Club. I have also served on advisory committees for local California State Assemblymembers. Additionally, I participated in several leadership groups there, including courses run by the Silicon Valley Chamber of Commerce and American Leadership Forum. I have been focused on raising my daughter since my family and I moved to the island, but now that things are more settled, I look forward to volunteering for the City of Bainbridge Island.
Please share your community interests (groups, committees, organizations) if any:	Economic development, Rotary, parks and recreation, good government
Feel free to attach your resume (optional):	
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	COBI web site

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Erik Fong

EXECUTIVE AND 5X CERTIFIED SALESFORCE CONSULTANT with 14 years of progressive experience across the business ecosystem, including business development, program/project management, process improvements, launches, and change initiatives. Record of successful and innovative Salesforce implementations in e-commerce, lending/loans, workforce education, and non-profit organizations. Proven ability to oversee teams and initiatives with stunning accuracy, monitoring, tracking, and reporting on projects' status to ensure successful completion. Expert at gaining trusted advisor status to facilitate adoption of data-driven recommendations. Seasoned public speaker, adept at all aspects of executive-level presentations. Apple alum.

Areas of Strength

Salesforce Architecture

Consult with C-suite and VP-level management to create and enhance Salesforce organizations based on company vision, KPIs, and growth plans

Bring functional experience in business requirements gathering, solution development and deployment, and process automation

Business Development

As an entrepreneur, surpassed all quotas and doubled revenue in second year of business, and regularly maintain and update goals as part of company's three-year plan; built a multi-million-dollar pipeline with multiple paths to expansion

Natural relationship builder and matchmaker with deep list of business leaders in Silicon Valley and Seattle, from industries including technology, media, consulting, finance, health care, government, and non-profits

Completed all projects on time and within budget; 100% client retention rate

Program Management

Inform data-driven decision-making by delivering business analysis findings, process needs, and strategic recommendations to key stakeholders

Engage cross-functionally to develop short- and long-term plans—including communication plans, training plans, and risk mitigation plans—that meet corporate needs and strategic approach

Change Management

Consult with business stakeholders to build scalable change-management solutions based on data-driven insights

Apply situational awareness of groups being impacted by change; address risks and hesitancies to ensure fast and smooth adoption of all change initiatives

Work Experience

WINGED EAGLES, Seattle, WA

Principal Salesforce Consultant, 2016 to Present – *Lead this Salesforce.com management consulting firm to deliver custom solutions and data-driven insights for clients seeking competitive advantages in data analytics, productivity, and change.*

- Consult with C-suite and VP-level management to create and enhance Salesforce organizations based on company vision, KPIs, and growth plans
- Serve as lead architect and product owner for custom Salesforce.com solutions—from discovery and estimates to deployment and maintenance—for Sales Cloud, Service Cloud, Communities, and Non-Profit Success Pack (NPSP)
- Design and deliver Lightning transitions, change-management programs, sales operations and business analysis, business processes, data migrations, reports and dashboards, workflows and processes, automation, user audits, code review, AppExchange app installations, training sessions, and staffing recommendations
- Saved clients hundreds of thousands of dollars through technology audits and software consolidation; created processes to uncover opportunities and automate tasks (see sidebar, page 2, for examples)

APPLE, Cupertino, CA

Production Manager, Apple Media, 2013 to 2017 – *Hand-picked to manage new team created by the director of Apple Media Production and prepared content for launch of Apple Music. Managed cross-functional roadmap of engineering features and content initiatives. Served as bridge between production and engineering teams, as well as the focal point for all improvement areas within stores and services.*

- Directed and coached UAT (user acceptance testing) teams in product integrity and user experience; oversaw user acceptance testing for all items in Apple Media stores, including iBooks, iTunes, Apple Music, and App Store
- Oversaw feature launches for multiple areas, including iOS, tvOS, Apple Music, Beats 1, Apple TV, App Store, international expansions, MacOS, and others
- Lobbied engineering project managers and executive teams regarding bug fixes
- Briefed production, editorial, business, and international teams as well as executives on activities and progress; advised executive teams on business issues
- Coordinated worldwide launch-day convergence and deployment for production, marketing, programming, and content-management teams
- Served as a primary advocate for improved marketing with social media; achieved improved integration with Apple Music through efforts with project managers

Manager of iTunes Project Management, 2010 to 2013; Senior Promotions Project Manager, 2006 to 2010 – *Transitioned to new team created by the director of iTunes Production. Led team of seven project managers in content-driven initiatives for iTunes, App Store, and iBooks; projects were live in 150+ countries with audiences in the millions. Met with worldwide teams regularly to communicate expectations and ensure deadline adherence.*

- Project-managed iTunes sections of launch keynotes delivered by executive management, including Steve Jobs and other CxOs

Continued on Next Page

Erik Fong

Success Stories

Launched Business to Make Companies Smarter, Faster, and More Profitable

Founded and built from the ground up a management consulting firm, handling start-up functions as well as ongoing day-to-day operations.

Areas of oversight include business development, sales, business logistics, project management, program management, business analysis, budgeting, AP/AR, client-facing interaction, and process development and improvement.

Saved small businesses thousands of dollars in software consolidation—savings ranged from $2K to $20K/year—and improved efficiencies in business operations via process/documentation automation.

Generated $80K+ for Client Company

Through in-depth business analysis, established and implemented new business processes that identified a revenue hole. The company—a client of Winged Eagles—had neglected to bill customers in excess of $80K.

Proven Track Record of Leadership and Empowerment

At Apple, five of the eight total direct reports under my leadership were promoted to management.

Drove Change at Apple

Spearheaded the development of internal features that saved production teams four to six weeks per project.

Implemented new processes for WW initiatives, which improved interteam communication, resulted in better reporting to mid-level managers, and enhanced technology capabilities.

Built UAT processes to foster a "big picture" mentality within a department that had been myopic due to its daily-deadline environment.

Developed processes for new technologies, launched several new products, and established first-of-their-kind partnerships for the UAT team.

Work Experience, cont.

Promotions Management/Production Roles with Apple, cont.

- Worked jointly with content providers, business owners, and all marketing/ production team members on execution activities; served as the production representative regarding existing and potential marketing partnerships
- Collaborated with design team to market The Beatles on iTunes site; served as main point on production for any Beatles initiatives
- Coordinated with engineering to build innovative feature for Nike+iPod Sport Kit with launch featuring well-known artists; project represented the first major collaboration between Nike and Apple
- Deployed marquee content promotions under tight timelines and innovated Apple Media merchandising solutions to maintain competitive advantage
- Led series of successful team initiatives that included Decade of iTunes, Five Years of App Store, iTunes Festival, The Voice, American Idol, Grammy Awards, and Academy Awards, among others
- Drove operational and technical solutions for content-related marketing projects with partners that included Target, Starbucks, Coca-Cola, Live Nation, and NBC

iTunes Content Manager Lead / iTunes Content Manager, 2004 to 2006 – *Supervised and trained content control team comprised of 15+ employees as well as in-house contractors. Coordinated timely content availability for weekly store refreshes.*

- Served as a liaison with store engineers to identify and troubleshoot technical errors in order to improve internal content management system (CMS)
- Exceeded daily quotas through analyzing metrics and outlining milestones for individual team members

Technology Skills

Productivity: MS Office Suite, Google Suite, Getting Things Done® (GTD), DocuSign, Jira, Wrike, Trello, Teamwork, Flow, Quickbooks

Methodologies: Agile (Scrum, Kanban), Waterfall

SFDC: Salesforce.com (Classic and Lightning), Salesforce Sales Cloud, Salesforce Service Cloud, Salesforce Communities, Salesforce Einstein, CPQ, Pardot, Conga Suite, Apex, VisualForce, Form Assembly, Zapier, Eventbrite, Constant Contact, MailChimp

Mac: iOS, MacOS, tvOS, watchOS, iWork Suite, Omni Suite

Education & Professional Development

B.S., University of Southern California, Los Angeles, CA

Certifications: Salesforce.com Certified Service Cloud Consultant; Salesforce.com Certified Sales Cloud Consultant; Salesforce.com Certified Advanced Administrator; Salesforce.com Certified Administrator; Salesforce.com Certified Platform App Builder; Google Suite Certified Administrator; SAFe Agilist (in progress)

Leadership Training: Fellow, Stanford Graduate School of Business Advanced Leadership Program for Asian-American Executives; Fellow, American Leadership Forum Silicon Valley; Attendee, 5+ Leadership Development Workshops with Apple University

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Sunday, November 11, 2018 1:07:06 PM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Lisa Neal
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	self
Current Position	counsel
I am interested in serving on one of the following advisory groups (select all that apply):	Ethics Board

Experience & Qualifications

Have you served on any city advisory groups in the past?	Yes
If so, please indicate which groups:	Island Center Subarea Planning Committee
Please share your qualifications for this appointment (skills,	I am a 26-year practicing lawyer, with a focus in an area of the law that commonly involves privileges, conflicts of interest, and related litigation issues. I was an elected Honor Court justice in

activities, training, education) if any:	law school. My experience on the Island Center Committee caused me to conclude that the City's Ethics Program is not being applied consistently, and I think the City could benefit from my participation on the Ethics Committee. Consistent application of the ethics program is critical if the citizenry is to have any confidence in government.
Please share your community interests (groups, committees, organizations) if any:	I am passionate about transparency in government.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Committee's city web page.

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Monday, November 5, 2018 8:57:58 AM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Evgeniy Goussev
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Access Marine LLC
Current Position	Owner
I am interested in serving on one of the following advisory groups (select all that apply):	Marine Access Committee

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	I have worked in the marine environment all my life; I've sailed around the world, have worked as an instructor and the head of maintenance for the Boston Sailing Center and was and active

activities, training, education) if any:	participant in the Boston Harbor Committee. I am currently active in the sailing community on Bainbridge and in Seattle and would like to participate in the decision making process here on the island.
Please share your community interests (groups, committees, organizations) if any:	PMYC, NMTA,
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Antony Oddo

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From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Friday, November 2, 2018 3:40:25 PM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Phil Herring
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	HerringAid (self-employed)
Current Position	Marketing software developer and consultant
I am interested in serving on one of the following advisory groups (select all that apply):	Marine Access Committee

Experience & Qualifications

Have you served on any city advisory groups in the past?	Yes
If so, please indicate which groups:	Many years ago, on the Non-Motorized Committee when it was chaired by Linda McMacken.
Please share your qualifications for this appointment (skills,	I founded and operated six businesses in my career, including a successful advertising agency which employed 75 people in three cities. I am currently a freelance marketing consultant and

activities, training, education) if any:	website/database programmer. Among the six was an internationally popular sailing forum and marine parts business which had a 20 year run before I sold it in 2017. I understand boats, boating infrastructure, and the needs of the audience. In addition to being a (now boatless) avid sailor, I lived aboard a sailboat for 4 years in Seattle. In terms of skills, I can offer strong writing and communication expertise as well as creativity and leadership skills, if necessary. I am good at working with people and utilized a consensus decision-making process in my businesses which would serve me well in this role. I moved to Seattle in 1982 and BI in 2002, so I am familiar with the region.
Please share your community interests (groups, committees, organizations) if any:	While I do not have much experience with municipal government or community committees, it's time I get involved. This feels like a good fit for me, as I care deeply about the island and about boating. During the time I was on Linda's Non-Motorized committee, I proposed the idea to create and distribute a map of island trails to all residents, which was ultimately executed to kudos from island residents.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	email from city manager

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Tuesday, October 30, 2018 2:43:59 PM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Robert Hershberg
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Robert Hershberg Inc.
Current Position	Consultant and President
I am interested in serving on one of the following advisory groups (select all that apply):	Marine Access Committee

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	Scientist by profession. PhD Biochemistry; BS Chemistry

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	Active rower and kayaker Member of the Board of Bainbridge Island Rowing
Feel free to attach your resume (optional):	
Type the Year	2018
How did you hear about the volunteer opportunity?	Other - See below
Other	Chair of Marine Access Committee

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Rob Hershberg has forty years of experience in the biotechnology industry in the areas of process development and pharmaceutical sciences and has led several large groups in these areas. He has served on numerous project teams and was a project team leader. He was employed as an Executive Director at Amgen, a Staff Scientist at Genentech, a Senior Scientist at Hoffmann-LaRoche and is a consultant. He contributed to the development of ten commercial pharmaceuticals.

Rob has a Ph.D. from the University of Pennsylvania in Biochemistry and Biophysics and a BS in chemistry from University of Pittsburgh.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Sunday, November 4, 2018 10:17:08 AM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Terry Kerby
Email	
Phone	
Address	
City	Bainbridge Island
State	Washington
Zip	98110
Current Employer	Retired
Current Position	Rotarian and incoming Commodore Eagle Harbor Yacht Club
I am interested in serving on one of the following advisory groups (select all that apply):	Marine Access Committee

Experience & Qualifications

Have you served on any city advisory groups in the past?	No
If so, please indicate which groups:	*Field not completed.*
Please share your qualifications for this appointment (skills,	Retired Executive (3M Company). Member of the Rotary club of Bainbridge Island, incoming Commodore Eagle Harbor Yacht Club. Education MBA and Certified Executive Coach

activities, training, education) if any:	
Please share your community interests (groups, committees, organizations) if any:	Member Rotary Club, EHYC
Feel free to attach your resume (optional):	
Type the Year	2018
How did you hear about the volunteer opportunity?	City Announcement
Other	*Field not completed.*

Email not displaying correctly? View it in your browser.

TERRY J. KERBY MBA, CEC

SUMMARY

A high-energy, analytical, process improvement focused business leader, accustomed to leading – influencing, developing and coaching teams and executives, globally.

PROFESSIONAL EXPERIENCE

Retired from 3M and "re tooled" at Royal Roads University Certified Executive Coach 2014

3M COMPANY

Director of Corporate Strategy and Competitive Intelligence 3M company 2011 – 2014
Lead and oversee WW Competitive Intelligence process for $90 Bn Company

Vice President, Strategy and Lean Six Sigma, 3M Health Care 2007 - 2011
Leadership of WW Lean Six Sigma organization to support ~$5Bn business
Oversee Strategic planning, Pricing and Competitive Intelligence processes.

General Manager, 3M Microbiology – St. Paul, MN, USA 2005-2007
Leadership of large, high growth global business.

Initiative Leader / MBB, 3M Health Care – St. Paul, MN, USA 2002-2005
Global responsibility for E-Productivity and Pricing initiatives.

Global Business Director, Health Care – St. Paul, MN, USA 2000-2002
Global responsibility for new business entities.

Managing Director – 3M Israel - Tel Aviv, Israel 1999-2000
Executive responsibility for 3M Israel company operations.

Global Business Manager, Animal Health – St. Paul, MN, USA 1997-1999.

European Business Leader – Leicester, U.K. 1994-1997

Business Manager, Health Care – Ontario, Canada 1990-1994

Prior to 1990 Business leadership roles of increasing responsibility:

EDUCATION

- CEC - Certified Executive Coach, Royal Roads University, Canada.
- M.B.A. – General Management, Ivey School of Business (University of Western Ontario), Canada
- Marketing Management Course – Ivey School of Business, Canada
- Engineering Diploma – Canterbury College, Kent, U.K.

PROFESSIONAL DEVELOPMENT

- Six Sigma : Master Black Belt, Black Belt, Design-For-Six Sigma, Green Belt
- Certified E-Productivity Leader

CITIZENSHIP(s) Canada, United Kingdom/European Union and U.S.

From: noreply@civicplus.com
To: Roz Lassoff
Subject: Online Form Submittal: Citizen Advisory Group Application
Date: Tuesday, November 13, 2018 9:28:36 PM

Citizen Advisory Group Application

Step 1

Please complete the form below if you are interested in serving on a committee or commission. Once completed, this form will become part of the City's Volunteer Roster. Please note: once submitted, this application becomes a public record. Your address and contact information will not be shared.

Applicant Name	Richard Seubert
Email	
Phone	
Address	
City	Bainbridge Island
State	WA
Zip	98110
Current Employer	Multifamily landlord
Current Position	Owner
I am interested in serving on one of the following advisory groups (select all that apply):	Marine Access Committee

Experience & Qualifications

Have you served on any city advisory groups in the past?	Yes
If so, please indicate which groups:	Harbor steward
Please share your qualifications for this appointment (skills,	As builder and land developer of 130 homes and 80 units of apartments in the past. I have decades of experience in working with businesses, employees and families. Finding solutions that

activities, training, education) if any:	can work for involved steak holders. 18 years on the island as a livaboard. A very special community that is the oldest neighborhood on the island. Our neighborhood has waxed and wained over the decades. I want to be a part of having our community succeed as a housing option again for families. Many were driven off years ago.
Please share your community interests (groups, committees, organizations) if any:	Preserving and improving our community in a way that considers the environment and the public that accessess our bays and beaches are of interest to me.
Feel free to attach your resume (optional):	*Field not completed.*
Type the Year	2018
How did you hear about the volunteer opportunity?	City Announcement
Other	*Field not completed.*

Email not displaying correctly? View it in your browser.

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (9:35 PM) Ordinance No. 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees - Mayor Medina,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance **PROPOSED BY:** Executive

RECOMMENDED MOTION:

Option 1: I move to revise Ordinance No. 2018-46 based on Council discussion and to forward the revised version for approval with the January 8, 2019 Consent Agenda, and to authorize the City Clerk to renumber the ordinance, as needed, for 2019.

Options 2: I move to forward Ordinance No. 2018-46 for approval with the January 8, 2019 Consent Agenda, and to authorize the City Clerk to renumber the ordinance, as needed, for 2019.

SUMMARY:

As proposed, Ordinance No. 2018-46 would amend Title 2 of the Bainbridge Island Municipal Code to create a uniform process governing the removal and resignation of members of the City's citizen advisory boards, commissions, committees, and task forces, as well as a uniform process for the demotion of a chair of one of the City's citizen advisory boards, commissions, committees, or task forces.

FISCAL IMPACT:

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

BACKGROUND:

The City Council has previously created various citizen advisory boards, commissions, committees, and task forces to provide recommendations to the City Council and to perform other functions for the City. However, the City Code does not contain a uniform approach governing removals or resignations of members of such citizen advisory bodies or demotions of the chairs of such citizen advisory bodies.

Ordinance No. 2018-46 proposes to adopt a uniform process for removals, resignations, and demotions that would govern, with a few exceptions listed below, all members of the City's citizen advisory boards, commissions, committees, and task forces. The exceptions are as follows:

First, the proposed uniform process for removal would not apply to members of the following committees due to likely conflicts with state law or with the City Code:

- The Ethics Board, created under Chapter 2.07 BIMC;
- The Civil Service Commission, created under Chapter 2.28 BIMC;
- The LEOFF Disability Board, created under Chapter 2.45 BIMC;
- The Salary Commission, created under Chapter 2.74 BIMC; and
- The Lodging Tax Advisory Committee, created under BIMC 3.65.040.

Second, the proposed uniform process for demotion of chairs of committees would not apply to the chairs of the following committees due to likely conflicts with state law or with the City Code:

- The Civil Service Commission, created under Chapter 2.28 BIMC;
- The Cultural Funding Advisory Committee, created under Chapter 2.43 BIMC;
- The LEOFF Disability Board, created under Chapter 2.45 BIMC; and
- The Lodging Tax Advisory Committee, created under BIMC 3.65.040.

ATTACHMENTS:

Ordinance No 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees

FISCAL DETAILS:

Fund Name(s):

Coding:

ORDINANCE NO. 2018-46

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Title 2 of the Bainbridge Island Municipal Code to create a uniform process governing the removal and resignation of members of the City's citizen advisory boards, commissions, committees, and task forces, as well as a uniform process for the demotion of a chair of one of the City's citizen advisory boards, commissions, committees, or task forces.

WHEREAS, the City Council has previously created various citizen advisory boards, commissions, committees, and task forces to provide recommendations to the City Council and perform other functions for the City; and

WHEREAS, the City Council now desires to create a uniform process to govern the removal and resignation of members of the City's citizen advisory boards, commissions, committees, and task forces; and

WHEREAS, the City Council also desires to create a uniform process to govern the demotion of chairs of the City's citizen advisory boards, commissions, committees, or task forces.

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

Section 1. A new Chapter 2.01, General Procedures for Citizen Advisory Bodies, is added to Title 2 of the Bainbridge Island Municipal Code, to read as follows:

Chapter 2.01 General Procedures for Citizen Advisory Committees

2.01.010 Applicability of Chapter

A. The provisions of this chapter apply to each citizen advisory board, commission, committee, or task force created by the city council, except as otherwise provided by this chapter or where in conflict with state law.

B. For purposes of this chapter, the terms "board," "commission," "committee," and "task force" have identical meanings and shall collectively be referred to as a "committee."

2.01.020 Grounds for Removal of Members of Citizen Advisory Committees

A. The mayor may remove a member of a citizen advisory committee for one or more of the following reasons:

1. Good cause, which shall be as determined solely by the mayor and shall be stated with each removal action.

2. A confirmed appointee to a citizen advisory committee fails to qualify and assume the duties of a member of the committee within 30 calendar days of confirmation by the city council.

3. A member of a citizen advisory committee is absent from three consecutive regular meetings of the citizen advisory committee and such absences have not been excused by a majority vote of the citizen advisory committee.

4. A member of a citizen advisory committee is absent from fifty percent (50%) of all meetings of the citizen advisory committee in any six-month period, provided that a member of a citizen advisory committee may request a leave of absence, which must first be approved by the mayor.

5. A member of a citizen advisory committee ceases to have the qualifications prescribed for the members of the committee by state law or by ordinance of the city council.

6. A member of a citizen advisory committee is convicted of a gross misdemeanor or felony while serving on the committee.

B. At the next regularly scheduled meeting of the city council following a removal under this section, the mayor shall notify the city council of such removal. A majority of the full city council may reverse the mayor's decision to remove within 30 days of the mayor's notice to the city council of the removal, after which time the mayor's decision to remove is final.

C. This section shall not apply to members of the following citizen advisory committees: the Ethics Board, created under Chapter 2.07 BIMC; the Civil Service Commission, created under Chapter 2.28 BIMC; the LEOFF Disability Board, created under Chapter 2.45 BIMC; the Salary Commission, created under Chapter 2.74 BIMC; and the Lodging Tax Advisory Committee, created under BIMC 3.65.040.

2.01.030 Grounds for Demotion of Chairs of Citizen Advisory Committees

A. The mayor may demote the chair of a citizen advisory committee for good cause, which shall be as determined solely by the mayor and shall be stated with each demotion.

B. At the next regularly scheduled meeting of the city council following a demotion under this section, the mayor shall notify the city council of such demotion. A majority of the full city council may reverse the mayor's decision to demote

within 30 days of the mayor's notice to the city council of the demotion, after which time the mayor's decision to demote is final.

C. A member of a citizen advisory committee that has been demoted from the position of chair of the committee may continue to serve on the committee for the remainder of his or her term and any future terms that she or he may be eligible to be appointed to.

D. A member of a citizen advisory committee that has been demoted from the position of chair of the committee may not again serve as chair of the committee without city council approval.

E. This section shall not apply to the chairs of the following citizen advisory committees: the Civil Service Commission, created under Chapter 2.28 BIMC; the Cultural Funding Advisory Committee, created under Chapter 2.43 BIMC; the LEOFF Disability Board, created under Chapter 2.45 BIMC; and the Lodging Tax Advisory Committee, created under BIMC 3.65.040.

2.01.040 Resignations and Automatic Vacancies

A. A member of a citizen advisory committee may voluntarily resign from her or his position on the committee by submitting her or his written resignation to the mayor.

B. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation. If no effective date is specified in the resignation, the resignation will be deemed to be effective immediately.

C. A position on a citizen advisory committee shall automatically become vacant upon the death of the individual appointed to that position.

Section 2. Section 2.14.020.C.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. The officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The election of officers shall take place at the first meeting of the year. In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission. <u>Demotion of the chairperson or vice chairperson shall be governed by Chapter 2.01 BIMC.</u>

Section 3. Section 2.14.020.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. ~~Forfeiture of Office~~ Removal and Resignation.

1. The removal and resignation of members appointed to the commission shall be governed by Chapter 2.01 BIMC.

~~1. A member appointed to the commission shall forfeit his or her office, creating a vacancy, if he or she ceases to have the qualifications prescribed for such office by law or ordinance, or if he or she is convicted of a gross misdemeanor or felony or a violation of the oath of office.~~

~~2. In the event of a commission member being absent from three consecutive regular meetings, or being absent from 50 percent of all meetings (including committee) in any six-month period, the office shall become vacant and forfeited; provided, that the mayor, with city council approval, may grant an exception when warranted by individual circumstances.~~

~~3. For an extended absence, a commissioner may request a leave of absence, to be approved by the mayor, with city council approval.~~

~~4~~2. Any unexpired term of a vacant ~~or forfeited~~ office shall be filled by a qualified person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle.

Section 4. Section 2.14.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. Vacancies – Removal. In the event of a vacancy, the mayor, subject to the confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal. Members may be removed upon a majority vote of the city council~~. The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 5. Section 2.14.040.C.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

1. The board shall select one member to serve as chair for a one-year term at the first regular meeting of each year. Demotion of the chair shall be governed by Chapter 2.01 BIMC.

Section 6. Section 2.14.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The creation, composition, terms, powers and duties, rules and standards of the historic preservation commission are described in BIMC 18.24.020 and Chapter 2.01 BIMC. In the event of a conflict between BIMC 18.24.020 and Chapter 2.01 BIMC, Chapter 2.01 BIMC shall control.

Section 7. Section 2.14.070 of the Bainbridge Island Municipal Code is hereby repealed in its entirety.

Section 8. Section 2.16.210.E.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

E. Subarea Planning Steering Committee.

1. Upon the city council's approval to commence the subarea planning process for a designated center or neighborhood, the mayor, with confirmation by the city council, shall appoint a subarea planning steering committee for that designated center or neighborhood. The steering committee shall be comprised of an odd number of members, totaling no more than nine, with the total number of members to be determined by the city council. The majority of the committee shall be comprised of representatives from categories in subsections E.2.a and E.2.b of this section. The term of the steering committee members shall be until the completion of the subarea planning process under this chapter. The removal and resignation of members shall be governed by Chapter 2.01 BIMC. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 9. Section 2.32.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 10. Section 2.32.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 11. Section 2.33.010.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. A member may be reappointed, and shall hold office until his or her successor has been appointed and has qualified. ~~Members may be removed upon a majority vote of the city council.~~

Section 12. Section 2.33.025 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any committee member from three consecutive meetings shall constitute grounds for removal in accordance with BIMC 2.33.010.C.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 13. Section 2.33.060 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The committee shall annually elect a chairperson and vice-chairperson. Demotion of the chairperson or vice-chairperson shall be governed by Chapter 2.01 BIMC. The committee shall hold regular meetings at least once during each quarter year. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). For meetings consisting of a majority of the then serving voting members of the committee, the committee shall provide public notice of the meeting and shall keep a record of its meeting minutes, resolutions, transactions, findings and determinations. The meeting minutes shall be posted on the city's web site. A majority of the voting members then serving on the committee shall constitute a quorum.

Section 14. Section 2.35.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 15. Section 2.35.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 16. Section 2.36.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 17. Section 2.36.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson for a one-year term at the first regular meeting of each year. Demotion of the chairperson shall be governed by Chapter 2.01 BIMC.

Section 18. Section 2.37.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absences from three consecutive meetings by any member shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 19. Section 2.37.040.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. At the first regular meeting of each term, the committee shall select from among its members a chairperson and a secretary for a one-year term. Demotion of the chairperson or the secretary shall be governed by Chapter 2.01 BIMC.

Section 20. Section 2.41.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 21. Section 2.41.040.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B. The committee shall select from among its members a chairperson at the first regular meeting of each year. Demotion of the chairperson shall be governed by the Chapter 2.01 BIMC.

Section 22. Section 2.43.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~Members may be removed upon a majority vote of the city council.~~ In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position in accordance with the city's appointment cycle. ~~Unexcused absences by any member from three consecutive meetings shall constitute grounds for removal.~~ The removal and resignation of members shall be governed by Chapter 2.01 BIMC.

Section 23. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 24. 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: December 7, 2018
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2018-46

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: (9:50 PM) First Amendment to the Agreement with Kitsap County for the Incarceration of City Prisoners - Police,

STRATEGIC PRIORITY: Safe City

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Interlocal Agreement **PROPOSED BY:** Police

RECOMMENDED MOTION:
I move to approve the First Amendment to the Agreement with Kitsap County for the Incarceration of City Prisoners.

SUMMARY:
Consideration of the renewal of an existing agreement with Kitsap County, which designates the County's jail as the place of confinement for the incarceration of prisoners lawfully committed to the City's custody. If approved, this amendment would extend the duration of the agreement through December 31, 2019, unless terminated earlier.

FISCAL IMPACT:

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

BACKGROUND: Kitsap County is authorized by law to operate a jail for misdemeanants and felons. The City of Bainbridge Island does not operate such a facility. Instead, staff proposes to renew an existing agreement with the County, which designates the County's jail as the place of confinement for the incarceration of prisoners lawfully committed to the City's custody. If approved, this amendment would extend the duration of the agreement through December 31, 2019, unless terminated earlier.

The proposed amendment would also increase the bed rate paid to the County. In 2018, the bed rate was $91.06 per prisoner per day. For 2019, the bed rate would increase to $97.80 per prisoner per day. This is an expected increase, and the City did budget accordingly.

The current agreement with Kitsap County expires on December 31, 2018. Therefore, staff recommends that the City Council approve this agenda item on December 11, 2018, so that it may take effect on January 1, 2019.

ATTACHMENTS:

First Amendment to the Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners

Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners (Expires 12/31/18)

FISCAL DETAILS:

Fund Name(s):

Coding:

KC-233-17-A

FIRST AMENDMENT
KITSAP COUNTY/CITY OF BAINBRIDGE ISLAND AGREEMENT FOR INCARCERATION OF CITY PRISONERS

This First Amendment to the Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners ("Amendment") is made between Kitsap County, ("County"), and the City of Bainbridge Island, a Washington state municipal corporation ("Contract Agency").

In consideration of the mutual benefits and covenants contained herein, the parties agree that Kitsap County Contract No. KC-233-17 ("Agreement"), shall be amended as follows:

1. Subsection 6 (a) (Base Rate for House) is amended and replaced with the following:

   Base Rate for Housing. In return for the County's housing of a Contract Agency Prisoner, the Contract Agency shall pay the County from the time the prisoner is transferred to the custody of the County to the time when the Contract Agency resumes custody of the prisoner, or the prisoner is released. The bed-day rate for housing a prisoner during Calendar Year 2019 will be ninety-seven dollars and eighty cents ($97.80) for every 24-hour period, or portion thereof, that said prisoner is in the custody of the County. "Split Billing" as defined in Section 5 above will be apportioned as appropriate.

2. Subsection 6 (c) (Billing) is amended and replaced with the following:

   The County will bill the Contract Agency on or about the 30th day of each month for all amounts due to the County under this Agreement for the services rendered in the prior calendar month. Such fees shall be due and payable by the Contract Agency to the County within 30 days after receipt of an itemized invoice with the exception of the year-end invoice for the month of December. December's invoice will be billed at the average cost of the Contract Agency's usage for the months of January through November. Once the December invoice has been finalized, it will be adjusted accordingly with the previously pro-rated December invoice.

3. Subsection 6 (e) (Base Rate for Booking and Releasing) is amended and replaced with the following:

   Book and release charges will no longer apply when a prisoner is in the facility for less than twelve (12) hours. In lieu of a book and release charge, the Contract Agency will

be charged for one-half (0.5) of the current daily rate or portion thereof if "split billing" applies.

4. Section 22 (Duration) is amended and replaced with the following:

   The Agreement shall be effective January 1, 2019 through December 31, 2019, unless terminated or extended by agreement of the parties. Nothing in this Agreement shall be construed to make it necessary for the Contract Agency to continuously house prisoners with the County.

5. Effective Date. The effective date of this Amendment is January 1, 2019.

6. Insurance. If this Amendment extends the expiration date of the Agreement, then the Contractor shall provide an updated certificate of insurance and endorsement evidencing that any required insurance coverages are in effect through the new contract expiration date. The Contractor shall submit the certificate of insurance to: Kitsap County Risk Management Division, 614 Division Street, MS-7, Port Orchard, Washington 98366.

7. Terms Unchanged. Except as expressly provided in this Amendment, all other terms and conditions of the Agreement, and any subsequent amendments, addenda, or modifications thereto remain in full force and effect.

8. Counterparts. This Amendment may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitution one and the same agreement.

9. Authorizations. The signatories to this Amendment represent that they have been appropriately authorized to enter into this Amendment on behalf of the Party for whom they sign, and that no further action or approvals are necessary before execution of this Amendment.

(Signatures on next page)

DATED this ___ day of _____, 201_

CITY OF BAINBRIDGE ISLAND

_____
Morgan Smith, City Manager

DATED this ___ day of _____, 201_

KITSAP COUNTY SHERIFF'S OFFICE

_____
Gary Simpson, Sheriff

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

DATED this ___ day of _____, 2019

_____
EDWARD E. WOLFE, Chair

_____
CHARLOTTE GARRIDO, Commissioner

_____
ROBERT GELDER, Commissioner

ATTEST:

_____
Dana Daniels, Clerk of the Board

KITSAP COUNTY/CITY OF BAINBRIDGE ISLAND
AGREEMENT FOR INCARCERATION OF CITY PRISONERS

THIS AGREEMENT is made and entered into by and between KITSAP COUNTY, a Washington state municipal corporation, having its principal offices at 614 Division Street, Port Orchard, Washington, 98366 ("County"), and the CITY OF BAINBRIDGE ISLAND ("Contract Agency"), a Washington state municipal corporation, acting through the Bainbridge Island Police Department, having its principal offices at 625 Winslow Way East, Bainbridge Island, Washington, 98110.

WHEREAS, the County is authorized by law to operate a jail for misdemeanants and felons and the Contract Agency is authorized by law to operate a jail for misdemeanants and felons;

WHEREAS, the Contract Agency wishes to designate the County jail as a place of confinement for the incarceration of one or more prisoners lawfully committed to the Contract Agency's custody;

WHEREAS, the County is amenable to accepting and keeping prisoners received from the Contract Agency in the County's custody at its jail for a rate of compensation mutually agreed to herein;

WHEREAS, RCW 39.34.080 and other Washington laws authorize any public agency to contract with another public agency to perform services and activities that each such public agency is authorized by law to perform; and

WHEREAS, the County and Contract Agency have considered the anticipated costs of incarceration services and potential revenues to fund such services and determined it is in each of their best interests to enter into this Agreement as authorized and provided for by RCW 39.34.080 and other Washington law.

AGREEMENT

For and in consideration of the conditions, covenants and agreements contained herein, the parties agree as follows:

1. PURPOSE:

It is the purpose of this Agreement to provide for the use by the Contract Agency of the County's jail facilities and services located at the Kitsap County Sheriff's Office, Corrections Division, 614 Division Street, Port Orchard, Washington, 98366.

2. DETENTION/INCARCERATION

The County shall incarcerate persons received from the Contract Agency until one of the following occurs:

(a) expiration of the term of confinement as indicated in a Warrant or Order of Commitment or as a result of an Order of Release, or is placed on electronic monitoring or similar program as approved by the court; or

(b) upon posting of bail; or

(c) receipt of a directive from a law enforcement officer or prosecuting attorney of the Contract Agency to release such person held under probable cause without judicial process; or

(d) for those held upon probable cause without judicial process, upon the passage of two (2) business days; provided, prior to releasing any person pursuant to this subsection, the County shall attempt to contact the Contract Agency to ascertain the Contract Agency's desire with regard to said person; provided that the Contract Agency shall hold the County harmless as set forth in Section 19 for any claim or action resulting from the detention of an individual wrongly detained at the direction of the Contract Agency.

3. CONTRACT REPRESENTATIVES:

All written notices, reports and correspondence required or allowed by this Agreement shall be sent to the following:

County:
Kitsap County Sheriff's Office
Mark Rufener, Chief of Corrections
614 Division Street, MS-33
Port Orchard, WA 98366
Phone: 360-337-7107
mrufener@co.kitsap.wa.us

Contract Agency:
City of Bainbridge Island
Matthew Hamner, Chief of Police
625 Winslow Way East
Bainbridge Island, WA 98110
Phone: 206-842-5211
mhamner@bainbridgewa.gov

4. AVAILABILITY OF JAIL FACILITIES:

Subject to the County's rights with respect to certain prisoners set forth in Sections 9 and 10 herein, the County will accept and keep prisoners at the request of the Contract Agency, unless the County, in its sole discretion, determines that the jail population is at capacity or so near capacity that there is a risk that the reasonable operational capacity limits of the County jail might be reached or exceeded if the County does not begin to refuse or request removal of prisoners. However, the County agrees to notify the Contract Agency prior to any potential action by the County resulting in a change of intake standards. The County further agrees to cooperate to the greatest extent possible with the Contract Agency to ensure the Contract Agency's ability to incarcerate its prisoners at the County facility.

Upon acceptance of a prisoner at the request of the Contract Agency, the County shall accept and store the prisoner's personal belongings in an amount not to exceed a day pack or equivalent in volume. Any personal belongings exceeding this amount will require County approval prior to acceptance and storage.

5. DEFINITIONS:

"Contract Agency Prisoner" as used in this Agreement shall mean a person arrested by Contract Agency officers and held and confined in the Kitsap County Jail, or otherwise held in detention as provided in this

agreement pursuant to a violation of a Contract Agency ordinance or a violation of a state law or ordinance which designates the crime for which the person is held to be a misdemeanor, gross misdemeanor, or felony (see RCW 70.48.400). A prisoner arrested on a warrant issued by another jurisdiction within Kitsap County or for charges initiated by a non-Contract Agency officer, shall be the responsibility of the originating agency. Arrests made by Contract Agency officers on extraditable warrants issued by agencies outside Kitsap County will be considered County prisoners. Non-contracting agencies will not be factored when calculating "shared cost."

"Bed–Day" shall mean a consecutive 24-hour period that a Contract Agency Prisoner is in custody at the County jail, including a prisoner's booking into the County jail.

"Shared Bed-Day" shall refer to the circumstance when a Contract Agency Prisoner is held in custody at Kitsap County Jail pursuant to this Agreement at the same time the prisoner is being held by another Contract Agency and/or the County including periods of time less than 24 hours. Non-contract agencies will not be factored when calculating "shared bed-days."

"Fractionalized Cost" shall occur in the event of a shared bed-day. The bed-day shall be apportioned on an equal basis between the respective jurisdictions having custody of the prisoner. For example, if two different Contract Agencies and the County have custody of a prisoner at the same time during any 24-hour period, then each respective jurisdiction would be responsible for a 33 1/3% share of the bed-day. Non-contracting agencies will not be factored when calculating "fractionalized cost."

6. COMPENSATION FROM CONTRACT AGENCY:

(a) Base Rate for Housing. In return for the County's housing of a Contract Agency Prisoner, the Contract Agency shall pay the County ninety-one dollars and six cents ($91.06) for every 24-hour period, or portion thereof, that said prisoner is in the custody of the County, and as outlined under subsection (d) "Split Billing," below. Such time period shall be measured from the time said prisoner is transferred to the custody of the County to the time when the Contract Agency resumes custody, or the prisoner is released.

(b) Determination of Case Status. The Kitsap County Prosecuting Attorney ("Prosecutor") shall have the sole authority to determine which felony cases submitted by the Contract Agency shall be charged as felonies. The Contract Agency shall not be responsible for the base rate for housing prisoners on any cases charged as a felony by the Prosecutor. If the Prosecutor makes the determination that a case is a misdemeanor/gross misdemeanor, such cases will be referred to the Contract Agency for filing in the appropriate court of limited jurisdiction.

(c) Billing. The County will bill the Contract Agency on or about the 30th day of each month for all amounts due to the County under this Agreement for the services rendered in the prior calendar month. Such fees shall be due and payable by the Contract Agency to the County within 30 days after receipt of an itemized invoice.

(d) Split Billing. In the event of a shared bed-day, the daily bed rate will be apportioned as defined in Section 5.

(e) Base Rate for Booking and Releasing. In return for the County providing a service to book and release a prisoner of the Contract Agency which shall include the documentation of the arrest on the prisoner's criminal history, the Contract Agency shall pay the County fifty dollars ($50.00). This rate will be used when a prisoner is in the facility for less than twelve (12) hours.

(f) Other Costs. The Contract Agency shall also pay such other costs to the County or third parties as set forth herein, including but not limited to any medical costs required by Section 7.

7. MEDICAL COSTS AND TREATMENT:

(a) Services Provided. Upon transfer of custody of a Contract Agency Prisoner to the County, the County will provide or arrange for such medical, mental health, and dental services as may be necessary to safeguard the prisoner's health while confined, in accordance with the policies and rules of the County jail. The County contracts with a correctional care vendor for in-house medical and mental health care in the jail. The costs of these services are included in determining the above-stated daily per diem rates charged to the Contract Agency.

(b) Cost Responsibility – Outside Medical Costs. Outside Medical costs are any and all expenses incurred for necessary medical care of a Contract Agency Prisoner, excluding the in-house professional medical services provided for under Section 7(a) above. These costs include, but are not limited to, prescriptions, laboratory tests, medical imaging services, necessary durable medical equipment, and any in-patient or out-patient treatment or referral. The Contract Agency shall be responsible for its proportion of all outside medical costs for its prisoners as provided herein. For purposes of medical costs and treatment, Contract Agency prisoners are defined as all arrestees who are pre-conviction and post-conviction misdemeanants, and pre-conviction felons. The Contract Agency shall also be responsible for its proportion of all costs associated with the delivery of medical, mental health, and dental services provided to a Contract Agency Prisoner that are not available from the health care program within the County jail, and for all emergency medical services, wherever provided. These costs shall be paid directly to the County, as directed by the County.

Prisoners arrested and confined on warrants issued in Kitsap County shall be the responsibility of the originating agency. Medical costs and treatment for prisoners arrested by Contract Agency officers on extraditable warrants issued by agencies outside Kitsap County will be the responsibility of Kitsap County.

(c) Emergency, Non-emergent and Non-Hospital Care outside the Jail - Notification. For emergency care, the County will notify the Contract Agency within four (4) business hours of transport (Monday through Friday, from 8 a.m. to 5 p.m. PST). For non-emergent and non-hospital care outside of the jail, the County will notify the Contract Agency before noon on the next business day. In either case, the Contract Agency will be notified as follows:

During business hours, contact in the following order:

- Public Safety Administrative Coordinator, Barbara Burns, at 206-780-4661; if not available then,
- Bainbridge Island Police Department Supervisor through CENCOM.

After business hours, contact in the following order:

- Bainbridge Island Police Department Supervisor though CENCOM.

(d) Pre-Confinement Consents or Refusals. If a Contract Agency Prisoner has received or refused any medical, mental health, or dental treatment from the Contract Agency before confinement in the County jail, the Contract Agency shall provide to the County all written verification of any authorization of or refusal to authorize care or treatment for such prisoner.

(e) Return for Medical Services. Nothing herein shall preclude the Contract Agency from retaking custody of an ill or injured prisoner by picking the prisoner up for transfer at the County jail; provided, in situations the County deems that a prisoner requires emergency medical care, the County shall have the right to arrange for emergency medical services (at the Contract Agency's expense), notwithstanding a request from the Contract Agency to retake custody of the prisoner.

(f) Records. The County shall keep records of all medical, mental health, or dental services it provides to a prisoner as required by law. The County agrees to share all information, including insurance information, regarding a Contract Agency inmate, as allowed by law.

(g) No Waiver of Right to Seek Reimbursement. The above paragraphs relating to medical costs are intended solely to define the obligations between the parties to this Agreement. Nothing contained within the provisions of this Agreement shall be construed to waive the rights of either party to seek reimbursement for costs from the Washington State Department of Social and Health Services, from the prisoner, or any other responsible third party.

8. TRANSPORTATION OF CONTRACT AGENCY PRISONERS:

(a) Transports. The Contract Agency shall provide or arrange for transportation of its prisoners to and from the County jail except when the transportation is determined by County staff to be necessary to secure emergency medical evaluation or treatment, or when transportation is required to support the orderly operation of the County jail.

(b) Transports with Costs. The Contract Agency shall be responsible for transportation of its prisoners to the County jail for initial booking. When the Contract Agency has its own Court, then the Contract Agency shall be responsible for transportation of its prisoners from the jail facility for all appearances in the Court. In the event the Contract Agency cannot provide transportation noted herein and the County performs the transportation on behalf of the Contract Agency, the Contract Agency shall reimburse the County for transportation performed by the County at the Standard Mileage Rates as set by the Internal Revenue Service plus $40.00 per hour for the cost of personnel.

(c) Contract Agency Transports. The Contract Agency shall provide reasonable notice to the County prior to transporting a prisoner from the County jail. Except as limited by Section 8(a), the Contract Agency shall be responsible for retaking custody of a prisoner at the County jail and for transporting the prisoner.

9. TRANSFER OF CUSTODY:

(a) Commencement of Custody by County. Custody of a Contract Agency Prisoner shall be deemed transferred to the County when officers from the Kitsap County Sheriff's Office take physical control of the prisoner. The County will not take such control of a prisoner until the Contract Agency has delivered copies of all records in its possession pertaining to the prisoner's incarceration by the Contract Agency or its agent, including a copy or summary of the prisoner's medical records if held by the Contract Agency or its agent. If the County requests additional information regarding a particular prisoner, then the parties shall mutually cooperate to obtain such information. Absent compliance with existing policies, the County shall not be required to take custody of or assume control of or responsibility for any property of the prisoner except as set forth in Section 4 above. The Contract Agency's officers, when transporting a prisoner to the jail, shall be responsible for ensuring that all paperwork is in order and that all property allowed to be transported with the prisoner is properly packaged. The County will not take physical control and assume custody of a prisoner to be confined unless all paperwork and property of the prisoner are in order.

Upon presentation of an individual for confinement, or as soon thereafter as is practicable, the Contract Agency shall advise the staff of the County jail of the duration or other terms of confinement of a given individual. The Contract Agency shall provide a copy of any Warrant of Arrest or Order of Commitment.

The Contract Agency shall be solely responsible for determining that the individuals presented for detention are detainable and shall certify by the act of presenting an adult person for detention, that said person is legally detainable and the County shall bear no responsibility to ensure that said individuals are legally detainable. The Contract Agency shall hold the County harmless as set forth in Section 19 for any claim or action resulting from the detention of an individual wrongly presented by the Contract Agency for detention.

When custody of a Contract Agency Prisoner is transferred to the County, the Contract Agency Prisoner shall be subject to all applicable rules, regulations, and standards governing operation of the County jail, including any emergency security rules imposed by the jail administrator or Sheriff. Any Contract Agency police officer delivering a prisoner to the County jail shall comply with reasonable rules and regulations of the County jail.

(b) Further Transfer of Custody. Except as otherwise allowed by Section 12 of this Agreement, the County will not transfer custody of any prisoner confined pursuant to this Agreement to any agency other than to the Contract Agency without the written authorization from a court of competent jurisdiction.

(c) Responsibilities upon Assumption of Custody. Upon transfer of custody to the County, it shall be the County's responsibility to confine the prisoner; to supervise, discipline and control said prisoner; and to administer the prisoner's sentence pursuant to the order of the committing court in the State of Washington. During such confinement, the County shall provide and furnish or arrange for all necessary medical and hospital services and supplies in accordance with Section 7 of this Agreement.

(d) Resumption of Custody by Contract Agency. The Contract Agency shall be deemed to have resumed custody of a prisoner upon either the County's presentation of such prisoner to the Contract Agency, or upon the Contract Agency's officers taking physical control of the prisoner.

10. RIGHT TO REFUSE PRISONER:

The County shall have the right to refuse to accept any Contract Agency Prisoner who appears in need of medical, mental health or dental attention, until the Contract Agency has provided medical, mental health or dental treatment to the prisoner to the satisfaction of the County.

11. RELEASE, HOLDS AND COURT APPEARANCES:

Additions to the Contract Agency video court calendar must be received by 0600 the day of the requested appearance. Additions made later than 0600 will be scheduled the following judicial day. Video court will not be used for non-criminal traffic violations or any other civil matter.

12. REMOVAL FROM JAIL - OTHER GROUNDS:

Contract Agency Prisoners may be removed from the County jail for the following reason(s):

(a) Request by Contract Agency. Upon written request by a supervisory member of the Contract Agency for transfer of custody back to the Contract Agency.

(b) Court Order. By order of a court having jurisdiction over the Contract Agency Prisoner. In such case, transport, if any, will be pursuant to Section 8 above.

(c) Treatment Outside of Jail. For medical, mental health, dental treatment or any other care not available within the County jail.

(d) Catastrophe. In the event of any catastrophic condition occurring that poses eminent danger to the safety of the prisoner(s) or personnel of the County, the decision to remove prisoners will be at the sole discretion of the County. In such cases, the County will inform the Contract Agency, at the earliest practicable time, of the whereabouts of the prisoner(s) so removed and shall exercise all reasonable care for the safekeeping and custody of such prisoner(s).

13. TRANSFER OF PRISONERS UPON TERMINATION/EXPIRATION OF AGREEMENT:

(a) Termination by County. In the event this Agreement expires or is terminated by a notice of termination from the County in accordance with Section 23 below, it shall be the County's obligation to transport the Contract Agency's Prisoners to the Contract Agency, at no expense to the Contract Agency.

(b) Termination by Contract Agency. In the event this Agreement expires or is terminated by a notice of termination from the Contract Agency in accordance with Section 23 below, it shall be the Contract Agency's obligation to transport the Contract Agency's Prisoners at its own expense, on or before the effective date of such termination.

14. PRISONER RIGHTS, ACCOUNTS AND PROGRAMS:

(a) Early Release Credit and Discipline. The Contract Agency agrees that its policies if any, for early release credits shall allow no more credit for its prisoners than is allowed by the County under its policies. Contract Agency Prisoners confined under this Agreement shall earn early release credits under the policies and rules prescribed by the County and state law for all prisoners at the County jail. With respect to Contract Agency Prisoners, the County shall maintain and manage disciplinary issues and will administer sanctions, including removal of earned early release credit, pursuant to facility rules. No discipline prohibited by federal or state law will be permitted. The disciplinary policies and rules of the County jail will apply equally to Contract Agency Prisoner confined pursuant to this Agreement as applied to other prisoners confined to the jail.

(b) Prisoner Accounts. The County shall establish and maintain an account for each Contract Agency Prisoner and shall credit to such account all money received from a prisoner or from the Contract Agency on behalf of a prisoner. The County shall make disbursements from such accounts by debiting such accounts in accurate amounts for items purchased by the prisoner for personal needs.

(c) Programs. The County shall provide Contract Agency Prisoners with access to all educational, recreational and social service programs offered at the County jail under the terms and conditions applicable to all other prisoners at the jail.

(d) Serve Time Outside of Facility. Contract Agency Prisoners, if deemed eligible, will be allowed to leave the jail for participation in correctional work crews, or any other program in which other prisoners sometimes are allowed to leave the physical confines of the jail as part of serving their sentence.

15. ACCESS TO FACILITY AND PRISONERS:

(a) Access to Facility. The Contract Agency shall have the right to inspect, at mutually agreeable times, the County jail in order to confirm such jail maintains standards acceptable to the Contract Agency and that its prisoners are treated appropriately. The County agrees to manage, maintain and operate its facilities consistent with all applicable federal, state, and local laws.

(b) Access to Prisoners. Contract Agency personnel shall have the right to interview prisoners from the Contract Agency at any reasonable time within the jail. Contract Agency officers shall be afforded equal priority for use of jail interview rooms.

16. ESCAPES AND DEATHS:

(a) Escapes. In the event of an escape by a Contract Agency Prisoner from the County jail, the Contract Agency will be notified as soon as practicable. The County will have the primary authority to direct the investigation and to pursue the prisoner within its jurisdiction. Any costs related to the investigation and pursuit within its jurisdiction will be the responsibility of the County. The County will not be required to pursue and return the Contract Agency's escaped prisoner from outside of the County.

(b) Deaths.

(1) In the event of a death of a Contract Agency Prisoner in the County jail, the Contract Agency shall be promptly notified in writing. The Kitsap County Sheriff's Office will investigate the circumstances. The Contract Agency may join in the investigation and receive copies of all records and documents from the investigation.

(2) The County shall, subject to the authority of the Kitsap County Coroner, follow the written instructions of the Contract Agency regarding the disposition of the body. Such written instructions shall be provided within three working days of receipt by the Contract Agency of

notice of such death. All expenses related to necessary preparation of the body and transport charges shall be the responsibility of the Contract Agency. With written consent from the Contract Agency, the County may arrange burial and all matters related or incidental thereto, and the Contract Agency shall be responsible for all such expenses. This paragraph defines the obligations between the parties to this Agreement and shall not affect the liability of any relative or other person for the disposition of the deceased or any expenses connected therewith. Notwithstanding the above, all expenses related to the death of a Contract Agency Prisoner in the County jail resulting from physical injuries incurred while under the care, custody, and control of the County shall be the responsibility of the County.

17. POSTING OF BAIL:

The County shall serve as agent for the Contract Agency in receipt of any bail bonds or any monies posted for or by a Contract Agency's prisoner with the County, and any such bonds or monies will be promptly forwarded to the proper agency.

18. RECORD KEEPING:

The County agrees to maintain a system of record keeping relative to the booking and confinement of each Contract Agency Prisoner consistent with the record keeping by the County for all other prisoners. The County shall make copies of said records available without cost to the Contract Agency upon its request.

19. INDEMNIFICATION, HOLD HARMLESS, AND INSURANCE:

(a) The Contract Agency agrees to defend, indemnify, and hold harmless the County, its appointed and elected officials, employees and agents from and against all liability, loss, cost, damage, and expense, including costs and attorneys' fees in defense thereof because of actions, claims or lawsuits alleging damages sustained by any person or property including death at any time resulting thereof, arising from or alleged to have arisen from:

(1) the Contract Agency's performance under this Agreement or as a consequence of any wrongful or negligent acts or omission of the Contract Agency, its appointed and elected officials, employees, and agents;

(2) wrongful detention of a Contract Agency Prisoner as a result of the Contract Agency's actions;

(3) failure or refusal to timely release a Contract Agency Prisoner as a result of the Contract Agency's actions.

To the extent the claim, damages, losses, and expenses are caused by intentional acts of or by the concurrent negligence of the County, its officers, agents, or employees, the Contract Agency's indemnification obligation hereunder shall be limited to the Contact Agency's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(b) The County agrees to defend, indemnify, and hold harmless the Contract Agency, its appointed and elected officials, employees, and agents from and against all liability, loss, cost, damage, and expense including costs and attorneys' fees in defense thereof, because of actions, claims or lawsuits alleging damages sustained by any person or property, including death at any time resulting thereof, arising from, or alleged to have arisen from:

(1) the County's performance under this Agreement or as a consequence of any wrongful or negligent acts or omission of the County, its appointed and elected officials, employees, and agents;

(2) wrongful detention of a Contract Agency Prisoner as a result of the County's actions;

(3) the County's failure or refusal to timely release a Contract Agency Prisoner.

To the extent the claim, damages, losses, and expenses are caused by intentional acts of or by the concurrent negligence of the Contract Agency, its officers, agents, or employees, the County's indemnification obligation hereunder shall be limited to the County's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

Solely for the purposes of this indemnification provision, the Contract Agency and the County each expressly waives its immunity under Title 51 (Industrial Insurance) of the Revised Code of Washington and acknowledges that this waiver was mutually agreed upon by the parties.

(c) Insurance Requirement. The County and the Contract Agency shall maintain and provide evidence of liability coverage.

The terms of **Section 19, "INDEMNIFICATION, HOLD HARMLESS AND INSURANCE,"** shall survive the termination or expiration of this Agreement.

20. NONDISCRIMINATION POLICY:

The County and the Contract Agency agree not to discriminate in the performance of this Agreement because of race, color, national origin, sex, sexual orientation, age, religion, creed, marital status, disabled or Vietnam era veteran status, or the presence of any physical, mental, or sensory handicap.

21. ADMINISTRATION/DISPOSAL OF PROPERTY:

This Agreement is executed in accordance with the authority of Chapter 39.34 RCW, the Interlocal Cooperation Act. Pursuant to the provisions of RCW 39.34.030, the Kitsap County Sheriff shall be responsible for administering the confinement of prisoners hereunder. No real or personal property will be jointly acquired by the parties under this Agreement. All property owned by each of the parties shall remain its sole property to hold and dispose of in its sole discretion.

22. DURATION:

The initial term of this Agreement shall be effective from January 1, 2018, through December 31, 2018, unless another date is substituted pursuant to Section 26, or the Agreement is terminated earlier pursuant to Section 23. Nothing in this Agreement shall be construed to make it necessary for the Contract Agency to continuously house prisoners with the County.

23. TERMINATION:

This Agreement may be terminated for the convenience of either party prior to expiration by written notice from such party delivered by regular mail to the designated representative at the address set forth herein. Termination by said notice shall become effective one hundred twenty (120) days after receipt of such notice. For the information of the other party, but not as a condition affecting the effectiveness of the notice, the notice shall set forth the reason the party has decided to terminate the Agreement and the specific plan for accommodating Contracting Agency Prisoners to be affected, if any.

24. WAIVER OF RIGHTS:

No waiver of any right under this Agreement shall be effective unless made in writing by an authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance, after notice of a deficiency in performance, constitutes acquiescence thereto.

25. WAIVER OF ARBITRATION RIGHTS:

Both parties acknowledge and agree that they are familiar with the provisions of RCW 39.34.180(3), as now in effect, and that of their own free will they hereby expressly waive any and all rights under RCW 39.34.180(3), as now in effect or as hereinafter amended, to arbitrate the level of compensation for incarceration services charged under this Agreement, or any renewal thereof, that either party may possess. The parties further agree that such level of compensation and all other issues related to the purpose of this Agreement will only be as agreed to herein or as otherwise agreed to in writing executed by the parties.

26. MODIFICATION:

This Agreement may only be modified by written instrument signed by both Parties.

27. GOVERNING LAW/VENUE:

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to this Agreement and to a prisoner's confinement under this Agreement. This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington and in the event of dispute; the venue for any action brought hereunder shall be in Kitsap County Superior Court.

28. MISCELLANEOUS:

In providing these services to the Contract Agency, the County is an independent contractor and neither its officers, agents, nor employees are employees of the Contract Agency for any purpose including responsibility for any federal or state tax, industrial insurance or Social Security liability. No provision of services under this Agreement shall give rise to any claim of career service or civil service right, which may accrue to an employee of the Contract Agency under any applicable law, rule, or regulation.

29. SEVERABILITY:

If any provision of this contract shall be held invalid, the remainder of this contract shall not be affected thereby if such remainder would then continue to serve the purposes and objectives of both parties.

DATED this _____ day of _____, 2017

CITY OF BAINBRIDGE ISLAND

_____

Douglas Schulze, City Manager

DATED this ____ day of _____, 2017

KITSAP COUNTY SHERIFF'S OFFICE

_____

Gary Simpson, Sheriff

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____

CHARLOTTE GARRIDO, Chair

_____

ROBERT GELDER, Commissioner

_____

EDWARD E. WOLFE, Commissioner

ATTEST:

_____

Dana Daniels, Clerk of the Board

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 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 Meeting Minutes, November 17, 2018,
C. City Council Study Session Minutes, November 20, 2018,
D. City Council Regular Business Meeting Minutes, November 27, 2018,
E. Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations - Executive,
F. Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive,
G. Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, Related to Water Rights - Public Works,
H. Ordinance No. 2018-44 Relating to 2018 4th Quarter Budget Amendments - Finance,
I. Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive

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: December 11, 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 12-12-18.pdf

Payroll.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

ACCOUNTS PAYABLE REPORT TO CITY COUNCIL OF CASH DISBURSEMENTS

CHECK RUN: November 26, 2018 - December 10, 2018
CITY COUNCIL: November 27, 2018 - December 11, 2018

Last check from previous run: 349197 dated 11/28/2018 issued to ZEE Medical in the amount of $587.37

Payment Type	Check Date	Check Number	Department/Vendor/Description	Amount
ACH	11/26/18	322	COBI/Utility billing - November 2018	2,773.38
ACH	11/26/18	323	WA State DOL/Concealed weapon permits - November 2018	618.00
EFT	11/26/18	324	WA State DOR/Excise taxes - October 2018	21,684.46
ACH	12/3/18	325	US Bank Debt Service payments: principal & interest	1,769,922.50
VOID	12/12/18	349212	PW/Bainbridge Disposal/Check printed in error	N/A
Manual	11/29/18	349198	EX/Bainbridge Arts & Crafts/Cultural funding Q2 & Q3 2018	7,500.00
Manual	11/29/18	349199	CenturyLink/Weaver PRV water telemetry - November 2018	58.32
Manual	11/29/18	349200	Washington Water Service/Decant facility water - November 2018	147.05
Manual	11/30/18	349201	Legal/Thomas Alpaugh/Public defense services - November 2018	4,375.00
Manual	11/30/18	349202	KC Sewer District 7/Participation fees	370,441.00
Manual	11/30/18	349203	PW/KC Treasurer/Purchase of tax - title property	8,800.00
Manual	11/30/18	349204	Pitney Bowes/Postage	1,500.00
			Manual Checks and Electronic Disbursements	**2,187,819.71**

Regular Run	12/12/18	349205-349294	**Regular Check Run**	**392,945.28**
				2,580,764.99

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 Logghe, Interim Accounting Manager — Date 12/6/18

ACH - UB
CC 11/26/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC			
322	11/26/2018	MANL	103 CITY OF BAINBRIDGE I	227246	13005NOV18	11/01/2018		ACHNOVUB	810.96
	Invoice: 13005NOV18					309 SHANNON DR			
				810.96	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				227247	13006NOV18	11/01/2018		ACHNOVUB	428.35
	Invoice: 13006NOV18					309 SHANNON DR DOCK			
				428.35	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				227248	10461NOV18	11/01/2018		ACHNOVUB	755.68
	Invoice: 10461NOV18					289 SHANNON DR			
				755.68	91011768 547500	GG-C/E-PARKS-WTR/SWR			
				227249	10463NOV18	11/01/2018		ACHNOVUB	463.19
	Invoice: 10463NOV18					307 BRIEN DR			
				463.19	91011755 547500	GG-C/E-COMMONS-WTR/SWR			
				227250	10464NOV18	11/01/2018		ACHNOVUB	297.70
	Invoice: 10464NOV18					402 BRIEN DR			
				297.70	91011755 547500	GG-C/E-COMMONS-WTR/SWR			
				227251	11573NOV18	11/01/2018		ACHNOVUB	17.40
	Invoice: 11573NOV18					5350 CREOSOTE PL NE			
				17.40	91011768 547500	GG-C/E-PARKS-WTR/SWR			
							CHECK	322 TOTAL:	2,773.28

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 2,773.28

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	2,773.28

*** GRAND TOTAL *** 2,773.28

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 11 346				
APP 001-213000	GENERAL - ACCOUNTS PAYABLE		2,773.28	
11/26/2018 ACHNOVUB UB NOV	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH			2,773.28
11/26/2018 ACHNOVUB UB NOV	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		2,773.28	2,773.28
APP 631-130000	DUE TO/FROM CLEARING		2,773.28	
11/26/2018 ACHNOVUB UB NOV				
APP 001-130000	GENERAL - DUE TO/FROM CLEARING			2,773.28
11/26/2018 ACHNOVUB UB NOV				
	SYSTEM GENERATED ENTRIES TOTAL		2,773.28	2,773.28
	JOURNAL 2018/11/346 TOTAL		5,546.56	5,546.56

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	346	11/26/2018			
001-130000				GENERAL - DUE TO/FROM CLEARING		2,773.28
001-213000				GENERAL - ACCOUNTS PAYABLE	2,773.28	
				FUND TOTAL	2,773.28	2,773.28
631 CLEARING FUND	2018 11	346	11/26/2018			
631-130000				DUE TO/FROM CLEARING	2,773.28	
635-111100				CASH		2,773.28
				FUND TOTAL	2,773.28	2,773.28

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		2,773.28
631	CLEARING FUND	2,773.28	
	TOTAL	2,773.28	2,773.28

** END OF REPORT - Generated by Carrie L. Christianson **

ACH- FA

cc 11/26/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
323	11/26/2018	MANL	969	WA ST DEPT OF LICENS	227253	NOV18CPL	11/21/2018		ACHFA11	618.00
Invoice: NOV18CPL						NOV18 CPL TRANSMITTAL				
					618.00	41654860 586000 GUN PERMIT OUT				
								CHECK	323 TOTAL:	618.00
						NUMBER OF CHECKS 1		*** CASH ACCOUNT TOTAL ***		618.00

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	618.00

*** GRAND TOTAL *** 618.00

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 11 347				
APP 650-213000	ACCOUNTS PAYABLE		618.00	
11/26/2018 ACHFA11 FA NOV	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH			618.00
11/26/2018 ACHFA11 FA NOV	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		618.00	618.00
APP 631-130000	DUE TO/FROM CLEARING		618.00	
11/26/2018 ACHFA11 FA NOV				
APP 650-130000	DUE TO/FROM CLEARING			618.00
11/26/2018 ACHFA11 FA NOV				
	SYSTEM GENERATED ENTRIES TOTAL		618.00	618.00
	JOURNAL 2018/11/347 TOTAL		1,236.00	1,236.00

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION		DEBIT	CREDIT
631 CLEARING FUND	2018 11	347	11/26/2018				
631-130000				DUE TO/FROM CLEARING		618.00	
635-111100				CASH			618.00
					FUND TOTAL	618.00	618.00
650 AGENCY FUND	2018 11	347	11/26/2018				
650-130000				DUE TO/FROM CLEARING			618.00
650-213000				ACCOUNTS PAYABLE		618.00	
					FUND TOTAL	618.00	618.00

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
631	CLEARING FUND	618.00	
650	AGENCY FUND		618.00
	TOTAL	618.00	618.00

** END OF REPORT - Generated by Carrie L. Christianson **

EFT - Excise
cc 11/26/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
324	11/26/2018	MANL	124	WA ST DEPT OF REVENU	227254	2018-10	10/31/2018		EFTOCT18	21,684.46
Invoice: 2018-10										

INVOICE DTL DESC			
OCT18 EXCISE TAXES			
126.72	91411341	553000	FINANCE - WATER EXTRNL TAXES
-713.43	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
3,540.93	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
30.82	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
10.37	91411341	553000	FINANCE - WATER EXTRNL TAXES
7.43	91411341	553000	FINANCE - WATER EXTRNL TAXES
13,128.21	91431383	553000	FINANCE - SSWM - EXTRNL TAXES
4,049.05	91411341	553000	FINANCE - WATER EXTRNL TAXES
423.49	91421351	553000	FINANCE - SEWER - EXTRNL TAXES
1.27	11011116	531100	COUNCIL - SUPPLIES
1.27	31011131	531100	EX-GF-SUPPLIES
1.27	41011141	531100	FIN - C/E ADMIN SUPPLIES
3.24	31011131	531100	EX-GF-SUPPLIES
47.13	41011141	531100	FIN - C/E ADMIN SUPPLIES
31.50	51011211	531100	PD-C/E-ADM-SUPPLIES
132.30	53011212	531100	PD-C/E-PATROL SUPPLIES
150.19	72431832	53110000664	ST DOE SSWM-SUPPLIES
72.00	73638935	531100	O&M-STD ALLOCATION-SUPPLIES
591.29	73011183	531100	O&M-C/E-CH FAC-SUPPLIES
49.41	81011881	535500	IT - C/E COMPUTER PARTS & EQ

CHECK 324 TOTAL: 21,684.46

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 21,684.46

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	21,684.46

*** GRAND TOTAL *** 21,684.46

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 11 348				
APP 401-213000	ACCOUNTS PAYABLE		4,193.57	
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH			21,684.46
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000	ACCOUNTS PAYABLE		3,281.81	
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
APP 403-213000	ACCOUNTS PAYABLE		13,278.40	
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
APP 001-213000	GENERAL - ACCOUNTS PAYABLE		858.68	
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
APP 631-213000	ACCOUNTS PAYABLE		72.00	
11/26/2018 EFTOCT18 EXCISE	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		21,684.46	21,684.46
APP 631-130000	DUE TO/FROM CLEARING		21,612.46	
11/26/2018 EFTOCT18 EXCISE				
APP 401-130000	DUE TO/FROM CLEARING			4,193.57
11/26/2018 EFTOCT18 EXCISE				
APP 402-130000	DUE TO/FROM CLEARING			3,281.81
11/26/2018 EFTOCT18 EXCISE				
APP 403-130000	DUE TO/FROM CLEARING			13,278.40
11/26/2018 EFTOCT18 EXCISE				
APP 001-130000	GENERAL - DUE TO/FROM CLEARING			858.68
11/26/2018 EFTOCT18 EXCISE				
	SYSTEM GENERATED ENTRIES TOTAL		21,612.46	21,612.46
	JOURNAL 2018/11/348 TOTAL		43,296.92	43,296.92

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	348	11/26/2018			
001-130000				GENERAL - DUE TO/FROM CLEARING		858.68
001-213000				GENERAL - ACCOUNTS PAYABLE	858.68	
				FUND TOTAL	858.68	858.68
401 WATER OPERATING FUND	2018 11	348	11/26/2018			
401-130000				DUE TO/FROM CLEARING		4,193.57
401-213000				ACCOUNTS PAYABLE	4,193.57	
				FUND TOTAL	4,193.57	4,193.57
402 SEWER OPERATING FUND	2018 11	348	11/26/2018			
402-130000				DUE TO/FROM CLEARING		3,281.81
402-213000				ACCOUNTS PAYABLE	3,281.81	
				FUND TOTAL	3,281.81	3,281.81
403 STORM & SURFACE WATER FUND	2018 11	348	11/26/2018			
403-130000				DUE TO/FROM CLEARING		13,278.40
403-213000				ACCOUNTS PAYABLE	13,278.40	
				FUND TOTAL	13,278.40	13,278.40
631 CLEARING FUND	2018 11	348	11/26/2018			
631-130000				DUE TO/FROM CLEARING	21,612.46	
631-213000				ACCOUNTS PAYABLE	72.00	
635-111100				CASH		21,684.46
				FUND TOTAL	21,684.46	21,684.46

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		858.68
401	WATER OPERATING FUND		4,193.57
402	SEWER OPERATING FUND		3,281.81
403	STORM & SURFACE WATER FUND		13,278.40
631	CLEARING FUND	21,612.46	
	TOTAL	21,612.46	21,612.46

** END OF REPORT - Generated by Carrie L. Christianson **

ACH - US Bank debt svc

cc 11/26/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
325	12/03/2018	MANL	8330	US BANK	227258	1275229	10/11/2018		USBDEC18	552,550.00
Invoice: 1275229						USBANK DEC 1 DEBT SVC 13-P&I				
					490,000.00	91247189 771000 2013 REFI-PRIN REDEMP				
					62,550.00	91247289 783000 2013 REFI-INTEREST				
					227259	1274988	10/11/2018		USBDEC18	255,140.00
Invoice: 1274988						USBANK DEC 1 DEBT SVC '07-P&I				
					205,000.00	91214195 771000 GG-2007 GO-PRIN REDEMPTION				
					50,140.00	91214295 783000 GG-2007 GO-INT EXPENSE				
					227260	1275163	10/11/2018		USBDEC18	645,750.00
Invoice: 1275163						USBANK DEC 1 DEBT SVC '09 - P&I				
					630,000.00	91243176 771000 GG-2009GO-PRIN REDEMPTION				
					15,750.00	91243276 783000 GG-2009GO-INTEREST EXPENSE				
					227261	1274970	10/11/2018		USBDEC18	23,782.50
Invoice: 1274970						US BANK DEC 1 DEBT SVC '08 INT				
					23,782.50	91241276 783000 FIN-2008 LTGO-INTEREST				
					227262	1274974	10/11/2018		USBDEC18	292,700.00
Invoice: 1274974						US BANK DEC 1 DEBT SVC '11 - P&I				
					220,000.00	91422235 77100000086 WWTP 2011 LTGO-PRIN REDEMPT				
					72,700.00	91422923 78300000086 WWTP 2011 LTGO & 2PWTF INT EXP				
								CHECK	325 TOTAL:	1,769,922.50

NUMBER OF CHECKS 1 *** CASH ACCOUNT TOTAL *** 1,769,922.50

	COUNT	AMOUNT
TOTAL MANUAL CHECKS	1	1,769,922.50

*** GRAND TOTAL *** 1,769,922.50

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 12 2				
APP 201-213000	ACCOUNTS PAYABLE		1,477,222.50	
12/03/2018 USBDEC18 DBTSVC	AP CASH DISBURSEMENTS JOURNAL			
APP 635-111100	CASH			1,769,922.50
12/03/2018 USBDEC18 DBTSVC	AP CASH DISBURSEMENTS JOURNAL			
APP 402-213000	ACCOUNTS PAYABLE		292,700.00	
12/03/2018 USBDEC18 DBTSVC	AP CASH DISBURSEMENTS JOURNAL			
	GENERAL LEDGER TOTAL		1,769,922.50	1,769,922.50
APP 631-130000	DUE TO/FROM CLEARING		1,769,922.50	
12/03/2018 USBDEC18 DBTSVC				
APP 201-130000	DUE TO/FROM CLEARING			1,477,222.50
12/03/2018 USBDEC18 DBTSVC				
APP 402-130000	DUE TO/FROM CLEARING			292,700.00
12/03/2018 USBDEC18 DBTSVC				
	SYSTEM GENERATED ENTRIES TOTAL		1,769,922.50	1,769,922.50
	JOURNAL 2018/12/2 TOTAL		3,539,845.00	3,539,845.00

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION		DEBIT	CREDIT
201 GO BOND FUND	2018 12	2	12/03/2018			
201-130000			DUE TO/FROM CLEARING			1,477,222.50
201-213000			ACCOUNTS PAYABLE		1,477,222.50	
				FUND TOTAL	1,477,222.50	1,477,222.50
402 SEWER OPERATING FUND	2018 12	2	12/03/2018			
402-130000			DUE TO/FROM CLEARING			292,700.00
402-213000			ACCOUNTS PAYABLE		292,700.00	
				FUND TOTAL	292,700.00	292,700.00
631 CLEARING FUND	2018 12	2	12/03/2018			
631-130000			DUE TO/FROM CLEARING		1,769,922.50	
635-111100			CASH			1,769,922.50
				FUND TOTAL	1,769,922.50	1,769,922.50

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
201	GO BOND FUND		1,477,222.50
402	SEWER OPERATING FUND		292,700.00
631	CLEARING FUND	1,769,922.50	
	TOTAL	1,769,922.50	1,769,922.50

** END OF REPORT - Generated by Carrie L. Christianson **

Manual
CC 11/29/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349198	11/29/2018	PRTD	5202	BAINBRIDGE ARTS & CR	227265	Q2-2018	10/01/2018		M112718	3,750.00
Invoice: Q2-2018						Q2 CULTURAL FUNDING - OPERATING S				
					3,750.00	31011732 541100 EX-GF-CULTURAL ARTS & SCIENCES				
					227266	Q3-2018	10/01/2018		M112718	3,750.00
Invoice: Q3-2018						Q3-CULTURAL FUNDING - OPERATING S				
					3,750.00	31011732 541100 EX-GF-CULTURAL ARTS & SCIENCES				
								CHECK 349198 TOTAL:		7,500.00
349199	11/29/2018	PRTD	551	CENTURYLINK	227255	6124NOV18	11/16/2018		M112718	58.32
Invoice: 6124NOV18						WEAVER PRV WATER TELEMETRY				
					58.32	91411891 542100 GG-WTR-FAC-PHONE				
								CHECK 349199 TOTAL:		58.32
349200	11/29/2018	PRTD	5271	WASHINGTON WATER SER	227256	4815979187-NOV18	11/16/2018		M112718	147.05
Invoice: 4815979187-NOV18						NOV18 DECANT FACILITY WATER				
					147.05	91435838 547500 GG-DECANT-WATER/SEWER				
								CHECK 349200 TOTAL:		147.05
						NUMBER OF CHECKS 3		*** CASH ACCOUNT TOTAL ***		7,705.37

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	3	7,705.37

*** GRAND TOTAL *** 7,705.37

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 11 351									
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			7,500.00	
11/29/2018 M112718		112918			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				7,705.37
11/29/2018 M112718		112918			AP CASH DISBURSEMENTS JOURNAL				
APP 401-213000					ACCOUNTS PAYABLE			58.32	
11/29/2018 M112718		112918			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			147.05	
11/29/2018 M112718		112918			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			7,705.37	7,705.37
APP 631-130000					DUE TO/FROM CLEARING			7,705.37	
11/29/2018 M112718		112918							
APP 001-130000					GENERAL - DUE TO/FROM CLEARING				7,500.00
11/29/2018 M112718		112918							
APP 401-130000					DUE TO/FROM CLEARING				58.32
11/29/2018 M112718		112918							
APP 403-130000					DUE TO/FROM CLEARING				147.05
11/29/2018 M112718		112918							
					SYSTEM GENERATED ENTRIES TOTAL			7,705.37	7,705.37
					JOURNAL 2018/11/351 TOTAL			15,410.74	15,410.74

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	351	11/29/2018			
001-130000				GENERAL - DUE TO/FROM CLEARING		7,500.00
001-213000				GENERAL - ACCOUNTS PAYABLE	7,500.00	
				FUND TOTAL	7,500.00	7,500.00
401 WATER OPERATING FUND	2018 11	351	11/29/2018			
401-130000				DUE TO/FROM CLEARING		58.32
401-213000				ACCOUNTS PAYABLE	58.32	
				FUND TOTAL	58.32	58.32
403 STORM & SURFACE WATER FUND	2018 11	351	11/29/2018			
403-130000				DUE TO/FROM CLEARING		147.05
403-213000				ACCOUNTS PAYABLE	147.05	
				FUND TOTAL	147.05	147.05
631 CLEARING FUND	2018 11	351	11/29/2018			
631-130000				DUE TO/FROM CLEARING	7,705.37	
635-111100				CASH		7,705.37
				FUND TOTAL	7,705.37	7,705.37

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		7,500.00
401	WATER OPERATING FUND		58.32
403	STORM & SURFACE WATER FUND		147.05
631	CLEARING FUND	7,705.37	
	TOTAL	7,705.37	7,705.37

** END OF REPORT - Generated by Carrie L. Christianson **

Manual

ICW

11/30/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
349201	11/30/2018	PRTD	7849	LAW OFFICE OF THOMAS	227327	NOV18	11/16/2018		M112918	4,375.00
								CHECK 349201 TOTAL:		4,375.00
						NUMBER OF CHECKS 1		*** CASH ACCOUNT TOTAL ***		4,375.00

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	1	4,375.00

*** GRAND TOTAL *** 4,375.00

JOURNAL ENTRIES TO BE CREATED

CLERK: fintemp

YEAR PER JNL / SRC ACCOUNT / EFF DATE / JNL DESC / REF 1 / REF 2 / REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 384					
APP 001-213000	GENERAL - ACCOUNTS PAYABLE			4,375.00	
11/30/2018 M112918 113018	AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100	CASH				4,375.00
11/30/2018 M112918 113018	AP CASH DISBURSEMENTS JOURNAL				
	GENERAL LEDGER TOTAL			4,375.00	4,375.00
APP 631-130000	DUE TO/FROM CLEARING			4,375.00	
11/30/2018 M112918 113018					
APP 001-130000	GENERAL - DUE TO/FROM CLEARING				4,375.00
11/30/2018 M112918 113018					
	SYSTEM GENERATED ENTRIES TOTAL			4,375.00	4,375.00
	JOURNAL 2018/11/384 TOTAL			8,750.00	8,750.00

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	384	11/30/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		4,375.00
001-213000			GENERAL - ACCOUNTS PAYABLE	4,375.00	
			FUND TOTAL	4,375.00	4,375.00
631 CLEARING FUND	2018 11	384	11/30/2018		
631-130000			DUE TO/FROM CLEARING	4,375.00	
635-111100			CASH		4,375.00
			FUND TOTAL	4,375.00	4,375.00

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		4,375.00
631	CLEARING FUND	4,375.00	
	TOTAL	4,375.00	4,375.00

** END OF REPORT - Generated by Khammy Wahaus **

Manual

kg
11/30/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349202	11/30/2018	PRTD	1496	KITSAP COUNTY SEWER	227384	11/30/18	11/30/2018		M113018	370,441.00
Invoice: 11/30/18						PARTICIPATION FEES				
					370,441.00	62038 386002	PARTICIPATION-SEWER DIST. #7			
							CHECK	349202	TOTAL:	370,441.00
349203	11/30/2018	PRTD	316	KC TREASURER	227381	WARDELL ROW	11/30/2018		M113018	8,800.00
Invoice: WARDELL ROW						PW/PURCHASE OF TAX - TITLE PROPERTY				
					8,800.00	72334562 66100000845	WARDWELL TRAIL LAND/ROW ACQ			
							CHECK	349203	TOTAL:	8,800.00
349204	11/30/2018	PRTD	1565	PITNEY BOWES INC	227383	301448167-061818	11/29/2018		M113018	1,500.00
Invoice: 301448167-061818						POSTAGE				
					1,500.00	91011189 542500	GG-C/E-CITY HALL-POSTAGE			
							CHECK	349204	TOTAL:	1,500.00
						NUMBER OF CHECKS 3	*** CASH ACCOUNT TOTAL ***			380,741.00

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	3	380,741.00

*** GRAND TOTAL *** 380,741.00

JOURNAL ENTRIES TO BE CREATED

CLERK: fintemp

YEAR PER JNL / SRC ACCOUNT / EFF DATE / JNL DESC / REF 1 / REF 2 / REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 11 405					
APP 622-213000	ACCOUNTS PAYABLE			370,441.00	
11/30/2018 M113018 113018	AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100	CASH				380,741.00
11/30/2018 M113018 113018	AP CASH DISBURSEMENTS JOURNAL				
APP 301-213000	ACCOUNTS PAYABLE			8,800.00	
11/30/2018 M113018 113018	AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000	GENERAL - ACCOUNTS PAYABLE			1,500.00	
11/30/2018 M113018 113018	AP CASH DISBURSEMENTS JOURNAL				
	GENERAL LEDGER TOTAL			380,741.00	380,741.00
APP 631-130000	DUE TO/FROM CLEARING			380,741.00	
11/30/2018 M113018 113018					
APP 622-130000	DUE TO/FROM CLEARING				370,441.00
11/30/2018 M113018 113018					
APP 301-130000	DUE TO/FROM CLEARING				8,800.00
11/30/2018 M113018 113018					
APP 001-130000	GENERAL - DUE TO/FROM CLEARING				1,500.00
11/30/2018 M113018 113018					
	SYSTEM GENERATED ENTRIES TOTAL			380,741.00	380,741.00
	JOURNAL 2018/11/405 TOTAL			761,482.00	761,482.00

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 11	405	11/30/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		1,500.00
001-213000			GENERAL - ACCOUNTS PAYABLE	1,500.00	
			FUND TOTAL	1,500.00	1,500.00
301 CAPITAL CONSTRUCTION FUND	2018 11	405	11/30/2018		
301-130000			DUE TO/FROM CLEARING		8,800.00
301-213000			ACCOUNTS PAYABLE	8,800.00	
			FUND TOTAL	8,800.00	8,800.00
622 EXPENDABLE TRUST FUND	2018 11	405	11/30/2018		
622-130000			DUE TO/FROM CLEARING		370,441.00
622-213000			ACCOUNTS PAYABLE	370,441.00	
			FUND TOTAL	370,441.00	370,441.00
631 CLEARING FUND	2018 11	405	11/30/2018		
631-130000			DUE TO/FROM CLEARING	380,741.00	
635-111100			CASH		380,741.00
			FUND TOTAL	380,741.00	380,741.00

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		1,500.00
301	CAPITAL CONSTRUCTION FUND		8,800.00
622	EXPENDABLE TRUST FUND		370,441.00
631	CLEARING FUND	380,741.00	
	TOTAL	380,741.00	380,741.00

** END OF REPORT - Generated by Khammy Wahaus **

Reg

KW

12/12/18

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349205	12/12/2018	PRTD	5 ACE HARDWARE	227269	42317/1	11/26/2018		12/09/18	87.19
Invoice: 42317/1					PW/RND TWIN HEAD MOTION BRZ				
				87.19	73411345 531100 OFFICE SUPPLIES				
				227270	42311/1	11/26/2018		12/09/18	77.88
Invoice: 42311/1					PW/BLADES, FLASHLIGHT, STRAP, TAPE				
				77.88	73411345 531100 OFFICE SUPPLIES				
				227272	42308/1	11/24/2018		12/09/18	42.96
Invoice: 42308/1					PW/PAINT TRAY LINER, TAPE, PAD, ROLLER				
				42.96	73011183 531100 O&M-C/E-CH FAC-SUPPLIES				
				227273	42289/1	11/21/2018		12/09/18	40.49
Invoice: 42289/1					PW/TARP, STRAP				
				40.49	73111256 53110000902 2018 STORM PREP-STRT-SUPPLY				
				227274	42281/1	11/20/2018		12/09/18	11.98
Invoice: 42281/1					PW/GRAFITTI REMOVER				
				11.98	73415345 531100 OFFICE SUPPLIES				
				227330	42271/1	11/19/2018		12/09/18	15.24
Invoice: 42271/1					POL/STICKY NAILS				
				15.24	51011215 531100 POLICE - C/E FACIL SUPPLIES				
				227331	41945/1	10/09/2018		12/09/18	15.25
Invoice: 41945/1					POL/VELCRO				
				15.25	53011212 531100 PD-C/E-PATROL SUPPLIES				
				227380	42314/1	11/26/2018		12/09/18	52.60
Invoice: 42314/1					PW/RULE TAPE, CABLE TIES, TACKLE				
				52.60	73011757 531100 O&M-C/E-MARINA-SUPPLIES				
				227417	42359/1	11/30/2018		12/09/18	44.68
Invoice: 42359/1					PW/TARP POLY BLUE/BRN				
				44.68	73011593 53110000961 SUZUKI PROP DEV-SUPPLIES				
				227418	42324/1	11/27/2018		12/09/18	11.41
Invoice: 42324/1					PW/SPORTING GOODS				
				11.41	73425358 531100 O&M-WWTP-SUPPLIES				
				227419	42325/1	11/27/2018		12/09/18	10.89
Invoice: 42325/1					PW/SPRINGCLAMP 3" PLASTIC				
				10.89	73425358 531100 O&M-WWTP-SUPPLIES				
				227420	42326/1	11/27/2018		12/09/18	33.33
Invoice: 42326/1					PW/BATTERY, WIRELESS SPOT LITE				
				33.33	73411345 531100 OFFICE SUPPLIES				
				227421	42320/1	11/27/2018		12/09/18	55.02
Invoice: 42320/1					PW/GALV HX LAGS, FLAT WASHER				
				55.02	73111264 531100 O&M-STREET-TRAF CONTROL-SUPPLY				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				227422	42268/1	11/19/2018		12/09/18	9.25
Invoice: 42268/1					PW/TIES CABLE WHT				
				9.25	73011593 53110000961	SUZUKI PROP DEV-SUPPLIES			
				227423	42243/1	11/15/2018		12/09/18	19.02
Invoice: 42243/1					PW/SNAP BOLT				
				19.02	73111290 531100	O&M-STREET-MAINT O/H-SUPPLIES			
				227424	42128/1	10/31/2018		12/09/18	51.83
Invoice: 42128/1					PW/HARDWARE, RING KEY, S-BINDER				
				51.83	73111256 53110000902	2018 STORM PREP-STRT-SUPPLY			
				227425	42023/1	10/18/2018		12/09/18	23.96
Invoice: 42023/1					PW/VLVBALL FP				
				23.96	73431835 531100	OFFICE SUPPLIES			
				227426	42024/1	10/18/2018		12/09/18	7.61
Invoice: 42024/1					PW/HEX NIPPLE 1/4" BRS LF				
				7.61	73431835 531100	OFFICE SUPPLIES			
				227427	041903/1	10/05/2018		12/09/18	3.86
Invoice: 041903/1					PW/PLUMBING SUPPLIES AND FIXTURES				
				3.86	73411345 531100	OFFICE SUPPLIES			
				227428	41910/1	10/05/2018		12/09/18	-78.38
Invoice: 41910/1					PW/MARKING PAING				
				-78.38	73411345 531100	OFFICE SUPPLIES			
				227429	41890/1	10/04/2018		12/09/18	78.38
Invoice: 41890/1					PW/SPRAY MARKING BLUE				
				78.38	73411345 531100	OFFICE SUPPLIES			
						CHECK 349205 TOTAL:			614.45
349206	12/12/2018	PRTD	8672 ALLSTREAM	227390	15729580	12/01/2018		12/09/18	933.64
Invoice: 15729580					DEC 18 CITY WIDE PHN SVCS				
				933.64	41637891 542100	FIN - ALLOC TELEPHONE			
						CHECK 349206 TOTAL:			933.64
349207	12/12/2018	PRTD	7166 AMERICAN MESSAGING	227430	W4104492SL	12/01/2018		12/09/18	85.25
Invoice: W4104492SL					PW/MESSAGING SVC				
				85.25	73637891 542100	O&M - ALLOC FACIL TELEPHONE			
						CHECK 349207 TOTAL:			85.25
349208	12/12/2018	PRTD	4710 ASSOCIATED PETROLEU	227431	1346125-IN	11/28/2018		12/09/18	1,049.42
Invoice: 1346125-IN					PW/667.2 GAL PROPANE				
				1,049.42	91011897 547200	GG-C/E-O&M YARD FAC-PROPANE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
				227432	1341548-IN	11/20/2018		12/09/18	888.28
Invoice: 1341548-IN					PW/364 GAL UNLEADED				
				888.28	73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227433	1341547-IN	11/20/2018		12/09/18	878.07
Invoice: 1341547-IN					PW/302 GAL DIESEL				
				878.07	73638893 532000 O&M-FUEL USE-ALLOCATION				
				227434	1338381-IN	11/15/2018		12/09/18	947.88
Invoice: 1338381-IN					PW/400.4 GAL UNLEADED				
				947.88	73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
				227435	1339380-IN	11/14/2018		12/09/18	2,232.99
Invoice: 1339380-IN					PW/815 GAL DIESEL				
				2,232.99	73638893 532000 O&M-FUEL USE-ALLOCATION				
				227436	0186736-IN	11/15/2018		12/09/18	546.81
Invoice: 0186736-IN					PW/175 GAL DIESEL				
				546.81	73638893 532000 O&M-FUEL USE-ALLOCATION				
				227437	1337998-IN	11/13/2018		12/09/18	716.29
Invoice: 1337998-IN					PW/250 GAL UNLEADED				
				716.29	73638932 532000 O&M-FUEL ALLOC TO OTH DEPTS				
						CHECK 349208 TOTAL:			7,259.74
349209	12/12/2018	PRTD	7821 AUS WEST LOCKBOX	227275	1990992562	11/22/2018		12/09/18	57.52
Invoice: 1990992562					PW/LAUNDRY SERVICE				
				57.52	73638893 589310 LAUNDRY SERVICES				
				227438	1991002675	11/29/2018		12/09/18	53.99
Invoice: 1991002675					PW/LAUNDRY SVC				
				53.99	73638893 589310 LAUNDRY SERVICES				
						CHECK 349209 TOTAL:			111.51
349210	12/12/2018	PRTD	4365 AAA MAILING SERVICES	227267	104683	11/08/2018		12/09/18	4,744.14
Invoice: 104683					PCD/TREE REGULATION MAILING				
				4,744.14	61011581 542450 PCD - ADM COMMUNIC COMNTY INFO				
						CHECK 349210 TOTAL:			4,744.14
349211	12/12/2018	PRTD	762 ASSOCIATION OF WASHI	227276	66676	11/22/2018		12/09/18	300.00
Invoice: 66676					HR/DRUG & ALCOHOL TRAINING 11/7				
				300.00	33011164 443415 HR-C/E-CITY WIDE TRAINING				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK 349211 TOTAL:			300.00
349212	12/12/2018	VOID	47 ** NOT FOUND						.00
	Invoice:								
						CHECK 349212 TOTAL:			.00
349213	12/12/2018	PRTD	55 SOUND PUBLISHING, IN	227333	7879203	10/31/2018		12/09/18	140.75
	Invoice: 7879203					POL/DUOWM LEASES AVAILABLE			
					140.75 55011757 544000	PD-HARBORMASTER-ADV			
						CHECK 349213 TOTAL:			140.75
349214	12/12/2018	PRTD	55 SOUND PUBLISHING, IN	227277	BIR834150	11/16/2018		12/09/18	44.86
	Invoice: BIR834150					CC/ORDINACE NO 2018-4			
					44.86 11011113 544000	COUNCIL - LEGAL NOTICES			
				227278	BIR834132	11/16/2018		12/09/18	66.11
	Invoice: BIR834132					CC/PUBLIC HEARING			
					66.11 11011113 544000	COUNCIL - LEGAL NOTICES			
						CHECK 349214 TOTAL:			110.97
349215	12/12/2018	PRTD	5412 BENEFIT ADMINISTRATI	227279	1811513	11/20/2018		12/09/18	243.10
	Invoice: 1811513					FSA/HSA SERVICES NOV 2018			
					29.17 21011125 520000	COURT - BENEFITS			
					34.03 31011131 520000	EX-GF-BEN			
					41.33 41011141 520000	FIN - C/E ADMIN BENEFITS			
					17.02 51011211 520000	PD-C/E ADMIN-BENEFITS			
					24.31 61011581 520000	PCD - C/E ADMIN BENEFITS			
					80.22 71011321 520000	PW - C/E BENEFITS			
					17.02 81011881 520000	IT - C/E ADMIN BENEFITS			
						CHECK 349215 TOTAL:			243.10
349216	12/12/2018	PRTD	1341 BLUE SKY PRINTING	227391	128685	11/29/2018		12/09/18	512.08
	Invoice: 128685					POL/BUSINESS CARDS			
					253.36 51011211 531100	PD-C/E-ADM-SUPPLIES			
					32.34 52011212 531100	POLICE - C/E INVEST SUPPLIES			
					161.70 53011212 531100	PD-C/E-PATROL SUPPLIES			
					32.34 55011757 531100	PD-HARBORMASTER-SUPPLIES			
					32.34 51011217 531100	PD-C/E-PARKING ENF-SUPPLIES			
						CHECK 349216 TOTAL:			512.08

Check for Bainbridge Disposal input/printed in error.

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349217	12/12/2018	PRTD	9099	KAREN BRYANT	227392	12/1/18	12/01/2018		12/09/18	150.00
Invoice: 12/1/18							FIN/DAMAGE DEP REFUND			
					150.00	41625860 586000	SC/COMMONS ROOM DEP-DISBURSEME			
							CHECK 349217 TOTAL:			150.00
349218	12/12/2018	PRTD	9098	CARMICHAEL, ALEX	227388	73941	12/03/2018		12/09/18	120.82
Invoice: 73941							UB 13020 203 WILLS LANE NW			
					120.82	411 122100	WATER ACCOUNTS RECEIVABLE			
							CHECK 349218 TOTAL:			120.82
349219	12/12/2018	PRTD	551	CENTURYLINK	227400	0399NOV18	11/23/2018		12/09/18	2,785.92
Invoice: 0399NOV18							CITY WIDE TELEMETRY AND FAX SERVICE			
					1,538.44	91425358 542100	GG-WWTP-TELEPHONE/FAX			
					729.79	91411891 542100	GG-WTR-FAC-PHONE			
					68.17	91011755 542100	GG-C/E-COMMONS-PHONE			
					136.94	91011189 542100	GG-C/E-CITY HALL-PHONE			
					195.82	91011897 542100	GG-C/E-O&M YARD FAC-PHONE			
					65.84	91011255 542100	GG-C/E-COURT BLDG-PHONE			
					50.92	91011215 542100	GG-C/E-PD-PHONE			
							CHECK 349219 TOTAL:			2,785.92
349220	12/12/2018	PRTD	8491	CHUCKALS, INC.	227353	969551-0	11/19/2018		12/09/18	320.16
Invoice: 969551-0							CRT/CARTRIDGE, SANITIZER, PEN, HIGHLIGHER, SOAP			
					320.16	21011125 531100	COURT - SUPPLIES			
							CHECK 349220 TOTAL:			320.16
349221	12/12/2018	PRTD	102	CITY OF BAINBRIDGE I	227283	RETREQFINAL-917	11/26/2018	21800061	12/09/18	9,446.98
Invoice: RETREQFINAL-917							2018 ASPHALT REPAIR-RET			
					9,446.98	72111423 54810000917	2018 ASPHALT REPAIRS			
							CHECK 349221 TOTAL:			9,446.98
349222	12/12/2018	PRTD	51	BAINBRIDGE ISLAND	227354	20181017	10/31/2018		12/09/18	59.80
Invoice: 20181017							CRT/DEPOSIT SLIPS			
					59.80	21011125 531100	COURT - SUPPLIES			
							CHECK 349222 TOTAL:			59.80
349223	12/12/2018	PRTD	9095	CONOLEY, ROBERT O	227385	73938	12/03/2018		12/09/18	191.57
Invoice: 73938							UB 10348 230 GROW AVENUE NW			
					191.57	411 122100	WATER ACCOUNTS RECEIVABLE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK 349223 TOTAL:		191.57
349224	12/12/2018	PRTD	142	COPIERS NORTHWEST IN	227337	INV1861726	11/26/2018		12/09/18	819.63
Invoice: INV1861726							EX,FIN/CONTRACT CN24130 OVERAGE			
					409.81	31011131 545000	EX-GF-RENTS & LEASES			
					409.82	41011141 545000	FIN - C/E ADMIN RENTS & LEASES			
								CHECK 349224 TOTAL:		819.63
349225	12/12/2018	PRTD	5910	CREATIVE SERVICES	227338	D18-18098	11/15/2018		12/09/18	258.95
Invoice: D18-18098							POL/JUNIOR OFFICER STICKETS			
					258.95	51011211 531100	PD-C/E-ADM-SUPPLIES			
								CHECK 349225 TOTAL:		258.95
349226	12/12/2018	PRTD	5132	CRYSTAL SPRINGS	227355	5228674 112118	11/21/2018		12/09/18	26.09
Invoice: 5228674 112118							CRT/WATER SERVICES			
					26.09	21011125 531100	COURT - SUPPLIES			
								CHECK 349226 TOTAL:		26.09
349227	12/12/2018	PRTD	4469	CYBERNETICS	227459	800934	11/20/2018		12/09/18	2,415.00
Invoice: 800934							IT/STORAGE NETWORK HARDWARE - ANNUAL MAIN			
					2,415.00	81011881 548500	IT - C/E COMPUTER SUPPORT			
								CHECK 349227 TOTAL:		2,415.00
349228	12/12/2018	PRTD	9092	DEQUINE, ELIZABETH	227328	73883	11/29/2018		12/09/18	203.10
Invoice: 73883							UB 10661 1049 BLUE HERON AVENUE NE			
					203.10	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK 349228 TOTAL:		203.10
349229	12/12/2018	PRTD	9097	DRUMMOND, ROSE ANNE	227387	73940	12/03/2018		12/09/18	38.87
Invoice: 73940							UB 12288 1363 STONECRESS LANE			
					38.87	411 122100	WATER ACCOUNTS RECEIVABLE			
								CHECK 349229 TOTAL:		38.87
349230	12/12/2018	PRTD	672	DSC INC	227284	98549	11/21/2018		12/09/18	61.67
Invoice: 98549							PW/ADAPTER, O-RING, FITTINGS			
					61.67	73637941 531100	VACTOR R&M-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 349230 TOTAL:			61.67
349231	12/12/2018	PRTD	7144 DTMICRO, INC	227460	4162	11/15/2018		12/09/18	136.25
Invoice: 4162						IT/POLICE NETWORK CONNECT W/KITSAP COUNTY DEC18			
				136.25	91011215 542100	GG-C/E-PD-PHONE			
						CHECK 349231 TOTAL:			136.25
349232	12/12/2018	PRTD	8975 ECONORTHWEST	227393	20305	10/31/2018		12/09/18	3,448.75
Invoice: 20305						INCLUSIONARY ZONING AND TDR			
				3,448.75	61011586 54110000930	COMP PLAN IMPL-PROF SVCS			
						CHECK 349232 TOTAL:			3,448.75
349233	12/12/2018	PRTD	4174 ENVIRO-CLEAN EQUIPME	227440	R18-112901	11/29/2018		12/09/18	755.37
Invoice: R18-112901						PW/WORK PERFORMED ON RAVO SERIES 5			
				755.37	73637945 548100	O&M ALLOC-SWEEPER-REPAIRS			
						CHECK 349233 TOTAL:			755.37
349234	12/12/2018	PRTD	8336 ENVIROISSUES, INC.	227339	240-002-000-3	11/20/2018		12/09/18	1,420.00
Invoice: 240-002-000-3						SAFE MOBILITY LEVY OUTREACH			
				1,420.00	31011572 54245000957	SAFE MOBILITY LEVY-OUTREACH			
						CHECK 349234 TOTAL:			1,420.00
349235	12/12/2018	PRTD	705 FCS GROUP	227341	2854-21811038	11/16/2018	21800065	12/09/18	1,817.50
Invoice: 2854-21811038						WATER SEWER RATE STUDY			
				908.75	72411342 54110000923	WATER RATE STUDY-PROF SVCS			
				908.75	72421352 54110000923	SEWER RATE STUDY-PROF SVCS			
						CHECK 349235 TOTAL:			1,817.50
349236	12/12/2018	PRTD	216 FEDERAL EXPRESS CORP	227287	6-378-82154	11/23/2018		12/09/18	37.15
Invoice: 6-378-82154						PW/SHIPMENT NOV 20			
				37.15	91011897 542500	GG-C/E-O&M YARD FAC-POSTAGE			
						CHECK 349236 TOTAL:			37.15
349237	12/12/2018	PRTD	1953 FERGUSON ENTERPRISES	227289	0717978	11/15/2018		12/09/18	101.81
Invoice: 0717978						PW/HOLE COVER HOOKS			
				101.81	73421355 531100	WIN COLL-SUPPLIES			
				227441	0720093	11/26/2018		12/09/18	20.66
Invoice: 0720093						PW/PVC COUP			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					20.66	73011768 531100	O&M-C/E-PARKS-SUPPLIES			
							CHECK	349237 TOTAL:		122.47
349238	12/12/2018	PRTD	7451	GOOD TO GO!	227290	TB-183497209	11/15/2018		12/09/18	12.00
Invoice: TB-183497209							PCD/VEH 233 TACOMA NARROWS TOLL			
					12.00	63011586 443410	CUR - C/E TRAINING TRAVEL			
							CHECK	349238 TOTAL:		12.00
349239	12/12/2018	PRTD	513	GRAINGER	227291	9015539241	11/27/2018		12/09/18	25.62
Invoice: 9015539241							PW/PULL TIGHT SEAL			
					25.62	73411345 531100	OFFICE SUPPLIES			
							CHECK	349239 TOTAL:		25.62
349240	12/12/2018	PRTD	8955	GRANICUS, LLC	227461	106023	12/01/2018		12/09/18	14,571.78
Invoice: 106023							IT/AGENDA & MEETING MGMT - ANNUAL MAINT			
					14,571.78	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK	349240 TOTAL:		14,571.78
349241	12/12/2018	PRTD	7570	GRANITE CONSTRUCTION	227293	PAYREQFINAL-917	11/26/2018	21800060	12/09/18	179,492.72
Invoice: PAYREQFINAL-917							2018 ASPHALT REPAIR			
					179,492.72	72111423 54810000917	2018 ASPHALT REPAIRS			
							CHECK	349241 TOTAL:		179,492.72
349242	12/12/2018	PRTD	2096	GRAY & OSBORNE INC	227295	13	11/12/2018	21700158	12/09/18	3,049.34
Invoice: 13							WATER SYSTEM DESIGN IMPRVMENTS			
					3,049.34	72413434 64110000819	WATER IMPR PROJECTS 2017-ENG			
							CHECK	349242 TOTAL:		3,049.34
349243	12/12/2018	PRTD	252	H.D. FOWLER COMPANY	227442	I5003043	10/31/2018		12/09/18	444.77
Invoice: I5003043							PW/PLUMBING SUPPIES			
					444.77	73011768 531100	O&M-C/E-PARKS-SUPPLIES			
					227443	C461653	11/16/2018		12/09/18	-43.27
Invoice: C461653							PW/PLUMBING SUPPLIES			
					-43.27	73011768 531100	O&M-C/E-PARKS-SUPPLIES			
							CHECK	349243 TOTAL:		401.50

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
349244	12/12/2018	PRTD	3114 JOHNSON CONTROLS FIR	227343	20604154	11/20/2018		12/09/18	139.56
Invoice: 20604154					PW/FIRE ALARM PW				
				139.56	73011897 54110000390	PWY-ALARM SVCS			
				227344	20604153	11/20/2018		12/09/18	278.46
Invoice: 20604153					PW/FIRE ALARM CITY HALL				
				278.46	73011183 54110000390	FAC BLDG/FIRE ALARM-CITY HALL			
				227345	20604112	11/20/2018		12/09/18	139.56
Invoice: 20604112					PW/FIRE ALARM COMMONS				
				139.56	73011755 54110000390	FAC BLDG/FIRE ALARM-COMMONS			
						CHECK	349244 TOTAL:		557.58
349245	12/12/2018	PRTD	318 KC ALCOHOLISM SPECIA	227457	0218	12/04/2018		12/09/18	1,674.46
Invoice: 0218					Q2 2018 ALCOHOLISM SERVICES				
				1,674.46	91011660 553000	EXEC - C/E DETOX			
				227458	0318	12/04/2018		12/09/18	1,778.44
Invoice: 0318					Q3 2018 ALCOHOLISM SERVICES				
				1,778.44	91011660 553000	EXEC - C/E DETOX			
						CHECK	349245 TOTAL:		3,452.90
349246	12/12/2018	PRTD	2306 KITSAP COUNTY PROSEC	227346	NOV18	11/05/2018		12/09/18	9,247.00
Invoice: NOV18					LEGAL/NOV18 PROSECUTION SVC				
				9,247.00	32011521 541112	LGL-OUTSIDE PROSECUTOR			
						CHECK	349246 TOTAL:		9,247.00
349247	12/12/2018	PRTD	1496 KITSAP COUNTY SEWER	227379	KCSD7-COBI-2018-DEC	11/20/2018		12/09/18	18,217.71
Invoice: KCSD7-COBI-2018-DEC					PW/DEC 2018 SEWER SERVICES				
				18,217.71	73426356 551000	SIS-SD#7 PROCESSING CHGS			
						CHECK	349247 TOTAL:		18,217.71
349248	12/12/2018	PRTD	1505 KITSAP COUNTY TREASU	227403	NOV18	11/30/2018		12/09/18	55.05
Invoice: NOV18					NOV18 KC OUT COURT REMIT				
				55.05	41612860 586000	CRIME VICTIMS-OUT			
						CHECK	349248 TOTAL:		55.05
349249	12/12/2018	PRTD	1971 KELLEY IMAGING SYSTE	227296	23760964	11/21/2018		12/09/18	312.16
Invoice: 23760964					ENG/TOSHIBA E-STUDIO4505AC SYSTEM				
				312.16	72011321 545000	ENG - C/E ADMIN RENTS & LEASES			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK 349249 TOTAL:		312.16
349250	12/12/2018	PRTD	8135	MIDWEST MOTOR SUPPLY	227446	6771727	11/29/2018		12/09/18	465.64
Invoice: 6771727							PW/O & M SUPPLIES			
						465.64 73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
								CHECK 349250 TOTAL:		465.64
349251	12/12/2018	PRTD	8546	KITSAP 911 PUBLIC AU	227348	BIPD2108-12	11/15/2018	21800003	12/09/18	9,563.04
Invoice: BIPD2108-12							POL/CALL CENTER SERVICES			
						2,868.91 52011286 551000	POLICE - C/E - INVEST CENCOM			
						6,694.13 53011286 551000	POLICE - C/E PATROL CENCOM			
								CHECK 349251 TOTAL:		9,563.04
349252	12/12/2018	PRTD	315	KITSAP HUMANE SOCIET	227342	1636	11/01/2018		12/09/18	5,596.83
Invoice: 1636							KITSAP HUMANE SOCIETY ANNUAL C			
						5,596.83 91011393 541100	FIN - C/E ANIMAL CONTROL FEES			
								CHECK 349252 TOTAL:		5,596.83
349253	12/12/2018	PRTD	694	KITSAP PUD #1	227401	SEP18 - NOV18	11/16/2018		12/09/18	38.57
Invoice: SEP18 - NOV18							WATER/LOT 1 BELFAIR AVE NE			
						38.57 91011768 547500	GG-C/E-PARKS-WTR/SWR			
								CHECK 349253 TOTAL:		38.57
349254	12/12/2018	PRTD	309	KITSAP TIRE CENTER I	227447	218076	11/19/2018		12/09/18	145.99
Invoice: 218076							POL/TIRES			
						145.99 53011212 531100	PD-C/E-PATROL SUPPLIES			
								CHECK 349254 TOTAL:		145.99
349255	12/12/2018	PRTD	6577	LAKESIDE INDUSTRIES	227448	71349	11/17/2018		12/09/18	193.85
Invoice: 71349							PW/2.34 TON ASPHALT			
						193.85 73111423 531100	OFFICE SUPPLIES			
								CHECK 349255 TOTAL:		193.85
349256	12/12/2018	PRTD	9096	LEO, ROBERT	227386	73939	12/03/2018		12/09/18	41.51
Invoice: 73939							UB 12146 1826 SAKAI VILLAGE LOOP			
						41.51 411 122100	WATER ACCOUNTS RECEIVABLE			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
								CHECK 349256 TOTAL:		41.51
349257	12/12/2018	PRTD	2574	NATIONAL BARRICADE C	227349	279172	10/31/2018		12/09/18	310.65
Invoice: 279172							PW/POST, SAFE-HIT			
						310.65 990 141100	MERCHANDISE			
								CHECK 349257 TOTAL:		310.65
349258	12/12/2018	PRTD	8428	NISQUALLY TOWING SER	227297	163990	11/19/2018		12/09/18	607.50
Invoice: 163990							PW/ROAD MOWER			
						607.50 73111427 548100	O&M-ACCESS RDSIDE R&M			
								CHECK 349258 TOTAL:		607.50
349259	12/12/2018	PRTD	2430	OGDEN MURPHY WALLACE	227351	818210	11/19/2018		12/09/18	13,551.55
Invoice: 818210							LEGAL/LEGAL SERVICES OCT 18			
						90.00 32470152 54111100844	LIT-CLARK ADMIN APPEAL			
						480.00 32011152 54111100935	LIT-KC REALTORS-GMHB			
						30.00 32011152 541110	LGL-GF-LEGAL ADVICE			
						1,560.00 91011211 541110	GG-C/E-CIVIL SVC-LEGAL ADVICE			
						60.00 32470152 54111000711	SMP LEGAL ADVICE			
						300.00 32470152 54111100896	LIT-BAINBRIDGE ALLIANCE			
						11,031.55 32470152 54111100897	LIT-PRESERVE RESP SHORELINE			
								CHECK 349259 TOTAL:		13,551.55
349260	12/12/2018	PRTD	9021	OPG NEW BROOKLYN LLC	227300	128203	11/19/2018		12/09/18	51,746.09
Invoice: 128203							SUZUKI PROPERTY			
						51,746.09 31011593 54110000961	SUZUKI PROP DEV-PROF SVCS			
								CHECK 349260 TOTAL:		51,746.09
349261	12/12/2018	PRTD	8286	SUPERINTENDENT OF P	227352	14579	11/09/2018		12/09/18	43.00
Invoice: 14579							POL/FINGERPRINTING			
						43.00 65438 386110	AGENCY-FINGERPRINT REV TO SPI			
								CHECK 349261 TOTAL:		43.00
349262	12/12/2018	PRTD	4129	OWEN EQUIPMENT COMPA	227301	00091269	11/15/2018		12/09/18	355.32
Invoice: 00091269							PW/RELIEF VALVE, BALL VALVE			
						355.32 73637941 531100	VACTOR R&M-SUPPLIES			
								CHECK 349262 TOTAL:		355.32

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349263	12/12/2018	PRTD	6579	WILLIAM R PEACOCK	227356	2019NAVARETTE	11/28/2018		12/09/18	20.00
	Invoice: 2019NAVARETTE						PW/ANNUAL DUES NAVARETTE			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227357	2019OTTE	11/28/2018		12/09/18	20.00
	Invoice: 2019OTTE						PW/ANNUAL DUES OTTE			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227358	2019DILLON	11/28/2018		12/09/18	20.00
	Invoice: 2019DILLON						PW/ANNUAL DUES DILLON			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227359	2019CLAIBORNE	11/28/2018		12/09/18	20.00
	Invoice: 2019CLAIBORNE						PW/ANNUAL DUES CLAIBORNE			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227360	2019GOLDEN	11/28/2018		12/09/18	20.00
	Invoice: 2019GOLDEN						PW/ANNUAL DUES GOLDEN			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227361	2019YETTE	11/28/2018		12/09/18	20.00
	Invoice: 2019YETTE						PW/ANNUAL DUES YETTE			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227362	2019PICKARD	11/28/2018		12/09/18	20.00
	Invoice: 2019PICKARD						PW/ANNUAL DUES PICKARD			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
					227363	2019ERICKSON	11/28/2018		12/09/18	20.00
	Invoice: 2019ERICKSON						PW/ANNUAL DUES ERICKSON			
					20.00	73421355 549100	WIN COLL-DUES/SUBCRIP			
							CHECK	349263 TOTAL:		160.00
349264	12/12/2018	PRTD	6989	POLICE EXECUTIVE RES	227364	7249	11/15/2018		12/09/18	200.00
	Invoice: 7249						POL/ANNUAL DUES HORN			
					200.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
					227365	7121	11/15/2018		12/09/18	200.00
	Invoice: 7121						POL/ANNUAL DUES HAMNER			
					200.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
							CHECK	349264 TOTAL:		400.00
349265	12/12/2018	PRTD	2203	PUBLIC SAFETY TESTIN	227394	PSTAC18-71	11/26/2018		12/09/18	9,441.29
	Invoice: PSTAC18-71						EX/POL COPR ASSESSMENT CTR			
					9,441.29	91011211 541100	GG-C/E-CIVIL SVC-PROF SVCS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK 349265 TOTAL:			9,441.29
349266	12/12/2018	PRTD	1864 PUGET SOUND CLEAN AI	227449	20192520	11/19/2018		12/09/18	140.00
Invoice: 20192520					PW/GAS FACILITIES REG FEE (2019)				
				140.00	73011897 549100 O&M-C/E-PWYD FAC-DUES/SUBCRIP				
						CHECK 349266 TOTAL:			140.00
349267	12/12/2018	PRTD	1205 PUGET SOUND ENERGY	227402	4376NOV18	11/19/2018		12/09/18	940.29
Invoice: 4376NOV18					NOV 18 GREEN POWER CONTRACT				
				940.29	91011189 547101 ELECTRIC-GREEN POWER				
						CHECK 349267 TOTAL:			940.29
349268	12/12/2018	PRTD	408 ROLLING BAY COMMERCI	227366	786212	11/25/2018		12/09/18	3,955.00
Invoice: 786212					CRT/DEC RENT				
				3,955.00	91011255 545000 GG-C/E-COURT BLDG-RENT				
						CHECK 349268 TOTAL:			3,955.00
349269	12/12/2018	PRTD	9091 MARGARET SANDLER	227302	11/25/18	11/27/2018		12/09/18	150.00
Invoice: 11/25/18					FIN/DAMAGE DEP REFUND				
				150.00	41625860 586000 SC/COMMONS ROOM DEP-DISBURSEME				
						CHECK 349269 TOTAL:			150.00
349270	12/12/2018	PRTD	6820 RICH BOTTALICO	227305	1998	11/20/2018		12/09/18	1,360.00
Invoice: 1998					PW/MAKE AND INSTALL QUICK DISCONNECT				
				680.00	73111427 548100 O&M-ACCESS RDSIDE R&M				
				680.00	73111423 548100 REPAIRS & MAINTENANCE				
						CHECK 349270 TOTAL:			1,360.00
349271	12/12/2018	PRTD	7385 CHARLES P. SHANE	227367	002011	11/26/2018		12/09/18	500.00
Invoice: 002011					LEGAL/PUB DEF SVC AUG - NOV 2018				
				500.00	32011281 541113 LGL-PUBLIC DEFENDER				
						CHECK 349271 TOTAL:			500.00
349272	12/12/2018	PRTD	9093 SIMONSEN, GERALD	227329	73884	11/29/2018		12/09/18	385.67
Invoice: 73884					UB 12959 685 WINTERSWEET LANE				
				385.67	411 122100 WATER ACCOUNTS RECEIVABLE				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK	349272 TOTAL:		385.67
349273	12/12/2018	PRTD	8040 SOLENIS LLC	227306	131377622	11/13/2018		12/09/18	4,293.29
Invoice: 131377622						PW/PRAESTOL			
				4,293.29	73425358 531100	O&M-WWTP-SUPPLIES			
						CHECK	349273 TOTAL:		4,293.29
349274	12/12/2018	PRTD	8132 SPECTRA LABORATORIES	227307	18-08847	11/19/2018		12/09/18	84.64
Invoice: 18-08847						PW/TESTING-COBI			
				84.64	73411345 54110000391	LAB SVCS-WATER			
				227310	18-08747	11/12/2018		12/09/18	62.10
Invoice: 18-08747						PW/TESTING COBI			
				62.10	73411345 541100	PROFESSIONAL SERVICES			
				227312	18-08748	11/12/2018		12/09/18	63.02
Invoice: 18-08748						PW/TESTING ROCKAWAY BEACH WATER			
				63.02	73415345 54110000391	LAB SVCS-WATER ROCKAWAY			
						CHECK	349274 TOTAL:		209.76
349275	12/12/2018	PRTD	9094 BENJAMIN & MYLEEA SP	227395	BLD23589	11/28/2018		12/09/18	95.17
Invoice: BLD23589						FEE REFUND - GRADING			
				95.17	47148 322100	BUILDINGS, STRUCT. & EQ			
						CHECK	349275 TOTAL:		95.17
349276	12/12/2018	PRTD	2467 STAPLES	227313	3395603975	11/03/2018		12/09/18	101.71
Invoice: 3395603975						ENG/COMFORT MATE, HB LEAD, PAPER			
				101.71	72011321 531100	ENG - C/E ADMIN SUPPLIES			
				227315	3395603977	11/03/2018		12/09/18	20.92
Invoice: 3395603977						ENG/HEADPHONE			
				20.92	72011321 531100	ENG - C/E ADMIN SUPPLIES			
				227316	3395603978	11/03/2018		12/09/18	43.67
Invoice: 3395603978						ENG/PAPER TOWELS, TAPE, GLUE			
				43.67	72011321 531100	ENG - C/E ADMIN SUPPLIES			
				227317	3395603979	11/03/2018		12/09/18	39.39
Invoice: 3395603979						ENG/POST-ITS, BATTERY, KLEENEX			
				39.39	72011321 531100	ENG - C/E ADMIN SUPPLIES			
				227368	3395603930	11/03/2018		12/09/18	54.27
Invoice: 3395603930						EX,EXCC/PEN, LABEL			
				39.67	36011143 531100	CLERK-C/E SUPPLIES			
				14.60	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				
					227369	339503932	11/03/2018		12/09/18	104.87
Invoice: 339503932							EX,FIN,LEGAL/LAMINATED 15X22, SOAP, TONER			
					1.93	31011131 531100	EX-GF-SUPPLIES			
					19.08	41011141 531100	FIN - C/E ADMIN SUPPLIES			
					83.86	32011152 531100	LGL-GF-SUPPLIES			
					227370	3395603927	11/03/2018		12/09/18	4.68
Invoice: 3395603927							FIN/MEMO BOOKS			
					4.68	41011141 531100	FIN - C/E ADMIN SUPPLIES			
					227371	3395603926	11/03/2018		12/09/18	258.83
Invoice: 3395603926							EX,FIN,LEGAL/PAPER, TONER,PEN			
					62.88	31011131 531100	EX-GF-SUPPLIES			
					177.38	41011141 531100	FIN - C/E ADMIN SUPPLIES			
					18.57	32011152 531100	LGL-GF-SUPPLIES			
					227372	3395603933	11/03/2018		12/09/18	73.38
Invoice: 3395603933							FIN,LEGAL/FOLDER, LAMITED 12X17			
					13.00	41011141 531100	FIN - C/E ADMIN SUPPLIES			
					60.38	32011152 531100	LGL-GF-SUPPLIES			
							CHECK	349276 TOTAL:		701.72
349277	12/12/2018	PRTD	5730	SUMMIT LAW GROUP	227318	98817	11/16/2018		12/09/18	1,769.00
Invoice: 98817							LEGA/PROF SVC OCT 18			
					1,555.50	32011152 54111000870	LGL-HR (NON-BARGAINING)			
					213.50	32011152 54111000274	LGL-LABOR NEGOTIATIONS			
					227319	98818	11/16/2018		12/09/18	3,995.50
Invoice: 98818							LEGAL/PROF SVC OCT 18			
					3,995.50	32011152 54111000274	LGL-LABOR NEGOTIATIONS			
							CHECK	349277 TOTAL:		5,764.50
349278	12/12/2018	PRTD	7095	SUPERIOR SAW & SUPPL	227450	123875	11/27/2018		12/09/18	210.26
Invoice: 123875							PW/CHARPEN DOUBLE EDGE CHIPPER			
					210.26	73111427 548100	O&M-ACCESS RDSIDE R&M			
							CHECK	349278 TOTAL:		210.26
349279	12/12/2018	PRTD	8199	SYSTEMS FOR PUBLIC S	227320	34568	11/20/2018		12/09/18	268.43
Invoice: 34568							POL/SAPHIRE/CARBIDE CONTROL HEAD			
					268.43	53011212 531100	PD-C/E-PATROL SUPPLIES			
							CHECK	349279 TOTAL:		268.43

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
349280	12/12/2018	PRTD	6714	TOSHIBA FINANCIAL SE	227373	23794025	11/26/2018		12/09/18	188.58
Invoice: 23794025							CRT/E-STUDIO3005AC COPIER LEASE			
					188.58	21011125 545000	COURT - RENTS & LEASES - OPER			
							CHECK	349280 TOTAL:		188.58
349281	12/12/2018	PRTD	558	TOWN & COUNTRY MARKE	227374	0409	11/26/2018		12/09/18	41.80
Invoice: 0409							PW/WATER, FOOD BAR			
					41.80	73431252 53110000903	2018 STORM RESP-SSWM-SUPPLY			
							CHECK	349281 TOTAL:		41.80
349282	12/12/2018	PRTD	2190	UNITED PARCEL SERVIC	227375	000028Y3Y1458	11/10/2018		12/09/18	33.19
Invoice: 000028Y3Y1458							UPS SHIPMENT NOV 2 AND NOV 6			
					33.19	91011215 542500	GG-C/E-PD-POSTAGE			
							CHECK	349282 TOTAL:		33.19
349283	12/12/2018	PRTD	1152	USA BLUE BOOK	227321	739429	11/15/2018	21789	12/09/18	121.04
Invoice: 739429							PW/PIPE LOCATORS			
					121.04	73411345 531100	OFFICE SUPPLIES			
					227322	740551	11/16/2018	21779	12/09/18	294.75
Invoice: 740551							PW/RICCA BUFFER, GLASS FIBER FILTER			
					294.75	73425358 531100	O&M-WWTP-SUPPLIES			
							CHECK	349283 TOTAL:		415.79
349284	12/12/2018	PRTD	553	UTILITIES UNDERGROUN	227451	8110126	11/30/2018		12/09/18	187.05
Invoice: 8110126							PW/NOV EXCAVATION NOTICES			
					187.05	73637893 54110000393	O&M ALLOC-LOCATING SVCS			
							CHECK	349284 TOTAL:		187.05
349285	12/12/2018	PRTD	5402	VIRTUAL GRAFFITI INC	227462	819615	12/03/2018		12/09/18	4,656.24
Invoice: 819615							IT/WEB FILTER ANNUAL MAINT & HARDWARE REFRESH			
					4,656.24	81011881 548500	IT - C/E COMPUTER SUPPORT			
							CHECK	349285 TOTAL:		4,656.24
349286	12/12/2018	PRTD	167	WA ST DEPT OF ECOLOG	227396	3979-2019	11/28/2018		12/09/18	30.00
Invoice: 3979-2019							PW/2019 WW OP CERT - SP			
					30.00	73425358 549100	O&M-WWTP-DUES, SUBSCR			
					227397	5952-2019	11/28/2018		12/09/18	30.00

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
	Invoice: 5952-2019				WP/2019 WW OP CERT - DO				
				30.00	73425358 549100 O&M-WWTP-DUES, SUBSCR				
				227398	3447-2019	11/28/2018		12/09/18	30.00
	Invoice: 3447-2019				PW/2019 WW OP CERT - DF				
				30.00	73425358 549100 O&M-WWTP-DUES, SUBSCR				
						CHECK	349286 TOTAL:		90.00
349287	12/12/2018	PRTD	2251 WA ST TREASURER	227404	NOV18	11/30/2018		12/09/18	3,943.82
	Invoice: NOV18				NOV18 STATE OUT COURT REMIT				
				1,665.97	41611860 586000 PSEA 60% OUT				
				685.97	41610860 586000 PSEA 30% OUT				
				47.98	41619860 586000 PSEA 3 - STATE DISB OUT				
				261.27	41616860 586000 THEFT PRV&TR BRAIN INJ-OUT				
				52.16	41616860 586000 THEFT PRV&TR BRAIN INJ-OUT				
				673.34	41614860 586000 JUDICIAL INFO SYST.-OUT				
				.32	41617860 586000 SCHOOL SAFETY ZONE-OUT				
				130.21	41618860 586000 TRAUMA CARE-OUT				
				91.74	41618860 586000 TRAUMA CARE-OUT				
				23.29	41618860 586000 TRAUMA CARE-OUT				
				132.35	41618860 586000 TRAUMA CARE-OUT				
				21.83	41616860 586812 ACCESS COMM ACCT				
				21.84	41616860 586813 MULTIMODAL ACCT				
				135.55	41615860 586961 STATE CRIME LAB				
				227405	NOV18SBCC	11/30/2018		12/09/18	216.50
	Invoice: NOV18SBCC				NOV18 STATE OUT COURT REMIT SBCC				
				216.50	41652860 586000 SBCC BLDG.-OUT				
						CHECK	349287 TOTAL:		4,160.32
349288	12/12/2018	PRTD	9048 CHANCE WALES & TEMRE	227399	BLD20892-A	11/28/2018		12/09/18	296.72
	Invoice: BLD20892-A				BLD20892 SURETY DEP REFUND				
				296.72	62338 386000 SURETY DEPOSITS CUS				
						CHECK	349288 TOTAL:		296.72
349289	12/12/2018	PRTD	4010 WA ASSOC OF SHERIFFS	227376	DUES 2018-00640	11/01/2018		12/09/18	75.00
	Invoice: DUES 2018-00640				POL/ANNUAL DUES HORN				
				75.00	51011211 549100 PD-C/E-ADM-DUES/SUBCR/MEMBRSHP				
						CHECK	349289 TOTAL:		75.00
349290	12/12/2018	PRTD	5709 WEBCHECK INC	227406	6150	12/03/2018		12/09/18	245.25
	Invoice: 6150				FIN/WEBCHECK SVC NOV18				
				122.62	43411341 541100 FIN - WATER ADMIN PROF SERVICE				
				122.63	43421351 541100 FIN - SEWER ADMIN PROF SERVICE				

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
					INVOICE DTL DESC				
						CHECK 349290 TOTAL:			245.25
349291	12/12/2018	PRTD	8390 WEST HILLS FORD MAZD	227452	107783	11/28/2018		12/09/18	169.60
Invoice: 107783						POL/DESTROYED WHEEL IN COLLISION			
				169.60	53011212 531100	PD-C/E-PATROL SUPPLIES			
				227453	107782	11/28/2018		12/09/18	398.25
Invoice: 107782						POL/NEW WINDSHIELD			
				398.25	53011212 531100	PD-C/E-PATROL SUPPLIES			
				227454	107784	11/28/2018		12/09/18	321.96
Invoice: 107784						POL/REPAIR EMERGENCY FLASHER			
				321.96	53011212 531100	PD-C/E-PATROL SUPPLIES			
						CHECK 349291 TOTAL:			889.81
349292	12/12/2018	PRTD	499 WESTBAY AUTO PARTS I	227323	405115	10/30/2018		12/09/18	142.92
Invoice: 405115						PW/FILTERS (2)			
				142.92	990 141100	MERCHANDISE			
				227324	406430	11/05/2018		12/09/18	103.44
Invoice: 406430						PW/PREM AW 32 HYD FLU			
				103.44	73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
				227325	406446	11/05/2018		12/09/18	34.69
Invoice: 406446						PW/NAPA DEX COOL ANTIFRZ			
				34.69	73638935 531100	O&M-STD ALLOCATION-SUPPLIES			
				227326	410385	11/20/2018		12/09/18	456.70
Invoice: 410385						PW/NERF BAR			
				456.70	73501448 66400000906	2018-MED DUTY PU			
				227455	410621	11/21/2018		12/09/18	85.79
Invoice: 410621						PW/PLUMPING SUPPLIES			
				85.79	73637941 531100	VACTOR R&M-SUPPLIES			
				227456	411323	11/26/2018		12/09/18	58.67
Invoice: 411323						PW/ACCESSORIES			
				58.67	73637941 531100	VACTOR R&M-SUPPLIES			
						CHECK 349292 TOTAL:			882.21
349293	12/12/2018	PRTD	679 WASHINGTON ASSOCIATI	227377	1556	11/17/2018		12/09/18	25.00
Invoice: 1556						POL/ANNUAL DUES EISENHOOD			
				25.00	51011120 549100	PD-CLERKS-DUES/MEMBERSHIPS			
				227378	1533	11/17/2018		12/09/18	25.00
Invoice: 1533						POL/ANNUAL DUES BURNS			

CASH ACCOUNT: 635 111100 CASH

CHECK NO	CHK DATE	TYPE	VENDOR	NAME	VOUCHER	INVOICE	INV DATE	PO	CHECK RUN	NET
						INVOICE DTL DESC				
					25.00	51011211 549100	PD-C/E-ADM-DUES/SUBCR/MEMBRSHP			
								CHECK	349293 TOTAL:	50.00
349294	12/12/2018	PRTD	6920	COMCAST	227335	DEC18	11/20/2018	21800005	12/09/18	10.35
	Invoice: DEC18						POL/HD CONVERTER BOX			
					10.35	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
					227336	DEC18-A	11/20/2018	21800005	12/09/18	1.01
	Invoice: DEC18-A						POL/HD CONVERTER BOX			
					1.01	51011211 545000	PD-C/E-ADMIN RENTS/LEASE			
								CHECK	349294 TOTAL:	11.36

NUMBER OF CHECKS 90 *** CASH ACCOUNT TOTAL *** 392,945.28

	COUNT	AMOUNT
TOTAL PRINTED CHECKS	89	392,945.28
TOTAL VOIDED CHECKS	1	.00

*** GRAND TOTAL *** 392,945.28

JOURNAL ENTRIES TO BE CREATED

CLERK: fintemp

YEAR PER JNL / SRC ACCOUNT / EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC / LINE DESC	T	OB	DEBIT	CREDIT
2018 12 31									
APP 401-213000					ACCOUNTS PAYABLE			6,362.70	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 635-111100					CASH				392,945.28
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 001-213000					GENERAL - ACCOUNTS PAYABLE			142,491.42	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 101-213000					STREETS - ACCOUNTS PAYABLE			191,477.67	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 402-213000					ACCOUNTS PAYABLE			25,749.68	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 403-213000					ACCOUNTS PAYABLE			73.37	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 631-213000					ACCOUNTS PAYABLE			9,448.36	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 622-213000					ACCOUNTS PAYABLE			596.72	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 650-213000					ACCOUNTS PAYABLE			4,258.37	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 901-213000					ACCOUNTS PAYABLE			453.57	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 407-213000					ACCOUNTS PAYABLE			11,576.72	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
APP 501-213000					ER&R-ACCOUNTS PAYABLE			456.70	
12/05/2018 12/09/18		121218			AP CASH DISBURSEMENTS JOURNAL				
					GENERAL LEDGER TOTAL			392,945.28	392,945.28
APP 631-130000					DUE TO/FROM CLEARING			383,496.92	
12/05/2018 12/09/18		121218			DUE TO/FROM CLEARING				6,362.70
APP 401-130000					GENERAL - DUE TO/FROM CLEARING				142,491.42
12/05/2018 12/09/18		121218			STREETS - DUE TO/FROM CLEARING				191,477.67
APP 001-130000					DUE TO/FROM CLEARING				25,749.68
12/05/2018 12/09/18		121218			DUE TO/FROM CLEARING				73.37
APP 101-130000					DUE TO/FROM CLEARING				596.72
12/05/2018 12/09/18		121218			DUE TO/FROM CLEARING				4,258.37
APP 402-130000					DUE TO/FROM CLEARING				453.57
12/05/2018 12/09/18		121218			DUE TO/FROM CLEARING				11,576.72
APP 403-130000									
12/05/2018 12/09/18		121218							
APP 622-130000									
12/05/2018 12/09/18		121218							
APP 650-130000									
12/05/2018 12/09/18		121218							
APP 901-130000									
12/05/2018 12/09/18		121218							
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
12/05/2018 12/09/18 121218 APP 501-130000 12/05/2018 12/09/18 121218	ER&R-DUE TO/FROM CLEARING				456.70
	SYSTEM GENERATED ENTRIES TOTAL			383,496.92	383,496.92
	JOURNAL 2018/12/31 TOTAL			776,442.20	776,442.20

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION	DEBIT	CREDIT
001 GENERAL FUND	2018 12	31	12/05/2018		
001-130000			GENERAL - DUE TO/FROM CLEARING		142,491.42
001-213000			GENERAL - ACCOUNTS PAYABLE	142,491.42	
			FUND TOTAL	142,491.42	142,491.42
101 STREET FUND	2018 12	31	12/05/2018		
101-130000			STREETS - DUE TO/FROM CLEARING		191,477.67
101-213000			STREETS - ACCOUNTS PAYABLE	191,477.67	
			FUND TOTAL	191,477.67	191,477.67
401 WATER OPERATING FUND	2018 12	31	12/05/2018		
401-130000			DUE TO/FROM CLEARING		6,362.70
401-213000			ACCOUNTS PAYABLE	6,362.70	
			FUND TOTAL	6,362.70	6,362.70
402 SEWER OPERATING FUND	2018 12	31	12/05/2018		
402-130000			DUE TO/FROM CLEARING		25,749.68
402-213000			ACCOUNTS PAYABLE	25,749.68	
			FUND TOTAL	25,749.68	25,749.68
403 STORM & SURFACE WATER FUND	2018 12	31	12/05/2018		
403-130000			DUE TO/FROM CLEARING		73.37
403-213000			ACCOUNTS PAYABLE	73.37	
			FUND TOTAL	73.37	73.37
407 BUILDING & DEVELOPMENT FUND	2018 12	31	12/05/2018		
407-130000			DUE TO/FROM CLEARING		11,576.72
407-213000			ACCOUNTS PAYABLE	11,576.72	
			FUND TOTAL	11,576.72	11,576.72
501 EQUIPMENT RENTAL & REVOLVING	2018 12	31	12/05/2018		
501-130000			ER&R-DUE TO/FROM CLEARING		456.70
501-213000			ER&R-ACCOUNTS PAYABLE	456.70	
			FUND TOTAL	456.70	456.70
622 EXPENDABLE TRUST FUND	2018 12	31	12/05/2018		
622-130000			DUE TO/FROM CLEARING		596.72
622-213000			ACCOUNTS PAYABLE	596.72	
			FUND TOTAL	596.72	596.72
631 CLEARING FUND	2018 12	31	12/05/2018		

JOURNAL ENTRIES TO BE CREATED

FUND / ACCOUNT	YEAR PER	JNL	EFF DATE / ACCOUNT DESCRIPTION		DEBIT	CREDIT
631-130000			DUE TO/FROM CLEARING		383,496.92	
631-213000			ACCOUNTS PAYABLE		9,448.36	
635-111100			CASH			392,945.28
				FUND TOTAL	392,945.28	392,945.28
650 AGENCY FUND	2018 12	31	12/05/2018			
650-130000			DUE TO/FROM CLEARING			4,258.37
650-213000			ACCOUNTS PAYABLE		4,258.37	
				FUND TOTAL	4,258.37	4,258.37
901 CITY-WIDE REPORTING FUND	2018 12	31	12/05/2018			
901-130000			DUE TO/FROM CLEARING			453.57
901-213000			ACCOUNTS PAYABLE		453.57	
				FUND TOTAL	453.57	453.57

JOURNAL ENTRIES TO BE CREATED

FUND		DUE TO	DUE FROM
001	GENERAL FUND		142,491.42
101	STREET FUND		191,477.67
401	WATER OPERATING FUND		6,362.70
402	SEWER OPERATING FUND		25,749.68
403	STORM & SURFACE WATER FUND		73.37
407	BUILDING & DEVELOPMENT FUND		11,576.72
501	EQUIPMENT RENTAL & REVOLVING		456.70
622	EXPENDABLE TRUST FUND		596.72
631	CLEARING FUND	383,496.92	
650	AGENCY FUND		4,258.37
901	CITY-WIDE REPORTING FUND		453.57
	TOTAL	383,496.92	383,496.92

** END OF REPORT - Generated by Khammy Wahaus **

PAYROLL

PAYROLL CHECK RUN: 12 - 5 - 2018

Run Type	Run Date	Check # Sequence	Comments	Amount
Normal	12/5/2018	043381 - 043503	P/R check run - direct deposit	287,811.04
Normal	12/5/2018	108772 - 108774	P/R check run - regular	6,895.36
Vendor	12/5/2018	108775 - 108788	P/R vendor check run	304,210.32
EFTPS	12/5/2018		Federal Tax Electronic Transfer	108,416.55
			TOTAL:	**707,333.27**

Prepared and Reviewed by: Deborah Lee Date 12-4-18

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 12/4/18

Kimberly M. Dunscombe, Budget Manager

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:**

AGENDA ITEM: Special City Council Meeting Minutes, November 17, 2018

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Minutes **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 111718 COUNCIL RETREAT

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

SPECIAL CITY COUNCIL MEETING
SATURDAY, NOVEMBER 17, 2018

MEETING MINUTES

Roslyn Webber from Seabold Consulting facilitated an interactive and collaborative workshop for the City Council on November 17, 2018 from 9:15 to 2:15 p.m. at the Japanese Guest House at Bloedel Reserve, 7571 NE Dolphin Drive, Bainbridge Island.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, Nassar and Schneider were present, together with City Manager Smith.

Councilmembers and the City Manager reviewed the results of their Predictive Index Behavior Assessment and discussed leadership styles and strategies for optimal teamwork.

_____
Kol Medina, Mayor

_____
Christine Brown, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:**

AGENDA ITEM: City Council Study Session Meeting Minutes, November 20, 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 112018 STUDY SESSION

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, NOVEMBER 20, 2018

Meeting Minutes

1) CALL TO ORDER / ROLL CALL

Mayor Medina called the meeting to order at 6:01 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Deets, and Councilmembers Blossom, Peltier, Nassar, Schneider and Tirman were present.

2) APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE

Councilmember Nassar moved and Councilmember Tirman 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 commented on the claims made last week about the M&E property and noted that there will be no meeting on the first Tuesday in January.

4) PRESENTATIONS

4.A Update on City's Suzuki Property Development Project - Executive

Cover Page
Suzuki Update CC 20 Nov 2018.pdf

Jon Rose from Olympic Property Group updated Council on the Suzuki Property Development Project.
He noted that there will be a public workshop on November 28, 2018 in Council Chambers.
Council discussed next steps on the project.

MOTION: I move to task the Environmental Technical Advisory Committee with recommending to the City Council ways to best reflect the recommendations of the 2017 Ecological Assessment during planning for development of the Suzuki property.
Peltier/Nassar: Motion failed 2 – 5.

AYES: Ron Peltier, Rasham Nassar
NOES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina
ABSENT: None
ABSTAIN: None

MOTION: I move to task the Climate Change Advisory Committee with recommending to the City Council ways to minimize greenhouse gas emissions related to the development of the Suzuki property for affordable housing, both during and after the project. This should include consideration of ways to reduce greenhouse gas emissions with compact and energy efficient buildings and an overall design that minimizes the use of motor vehicles.
Peltier/Schneider: Motion carried 5 – 2.

AYES: Ron Peltier, Rasham Nassar, Joe Deets, Leslie Schneider, Kol Medina
NOES: Sarah Blossom, Matt Tirman
ABSENT: None
ABSTAIN: None

5) UNFINISHED BUSINESS

5.A Update on Moratorium - Planning

Cover Page
20181120 Moratorium work program status report.docx
Ordinance No. 2018-43 Amending the Moratorium Approved 111318.pdf
Development Moratorium Summary Effective 20181121.pdf

Senior Planner Carr provided an update on the moratorium and addressed Council's questions.

Councilmember Nassar asked for an explanation of the appeal fee.

Council agreed to discuss the land use approval process at the study session on December 4, 2018 and consider approval at the business meeting on December 11, 2018.

5.B Budget Discussions - Finance

Cover Page
Budget Changes to Date after November 13 meeting.pdf
Budget Discussion Transmittal for CC 11202018.docx

City Manager Smith provided information on tasks identified in the proposed budget and added during Council deliberations.

Deputy City Manager Schroer provided a presentation on the process to date.

Councilmember Schneider provided information on other jurisdictions non-motorized planning process.

MOTION: I move to add a $150,00 budget line item to non-motorized planning and projects.
Schneider/Blossom: The motion was amended prior to a vote.

AMENDMENT: I move to amend to allocate $150,000 toward multi-modal system improvements.
Tirman/Schneider: Motion failed 4 – 3.

AYES: Leslie Schneider, Sarah Blossom, Matt Tirman
NOES: Kol Medina, Ron Peltier, Joe Deets, Rasham Nassar
ABSENT: None
ABSTAIN: None

AMENDMENT: I move to amend the motion by adding to the end of the motion: "provided, none of this money shall be spent until the Council determines how it wants to spend it."
Medina/Peltier: Motion carried unanimously, 7-0.

AMENDED MOTION: I move to add a $150,000 budget line item for non-motorized planning and projects, provided, none of this money shall be spent until the Council determines how it wants to spend it.
Schneider/Blossom: Motion carried unanimously, 7-0.

Mayor Medina introduced the Groundwater Management Plan. Environmental Technical Advisory Committee (ETAC) member Keenan provided information on the Groundwater Management Plan, and Council discussed the plan.

Councilmember Tirman called the question and Councilmember Deets seconded. The motion to end debate carried 5-2 with Councilmembers Blossom and Nassar voting against.

MOTION: I move that we change the amount that we have in the budget right now, which is $200,000 for a Groundwater Management Plan to $300,000 and that the $300,000 be used to hire a 2-year full time hydrogeologist to complete the task of completing a Groundwater Management Plan.
Medina/Peltier: Motion carried 6 - 1.

AYES: Ron Peltier, Rasham Nassar, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina
NOES: Sarah Blossom
ABSENT: None
ABSTAIN: None

MOTION: I move to reduce budget item #1, new police officer FTEs, from 2.00 to 1.00 new officer and to reflect that change in items #2 and #3, pertaining to additional vehicles and equipment.
Peltier: Motion failed for lack of a second.

Councilmember Tirman moved to approve the budget, as amended, and Councilmember Blossom seconded. The motion was withdrawn.

MOTION: I move to pass the 2019-2020 City of Bainbridge Island budget, as amended, to the next consent agenda.
Tirman/Blossom: Motion carried unanimously, 7-0.

5.C Process to Identify Nonmotorized Projects for City Capital Improvement Plan - Executive
Cover Page
CIP Process Improvements - CC 20 Nov 2018.docx
CIP Process Presentation_CC 2018-11-20.pdf

City Manager Smith introduced the agenda item. Engineering Project Manager Epstein provided a presentation on the process to identify nonmotorized projects for the Capital Improvement Plan.

Council concurred that the next step will be for Project Manager Epstein to work with the Multi-Modal Transportation Advisory Committee to develop criteria.

6) NEW BUSINESS

6.A Sportsman Club and New Brooklyn Intersection Preferred Design Discussion - Public Works

Cover Page
Scanned E-mails from Citizens.pdf

Engineering Manager Hammer introduced Glen Tyrell from Bainbridge Island School District, Mike Horton from Skillings Connolly, and Victor Salemann from TSI (Transportation Solutions, Inc.).

The consultant team provided a presentation on the Sportsman Club and New Brooklyn intersection design, and Council discussed the proposal.

MOTION: I move to forward the preferred design for the Sportsman Club and New Brooklyn intersection to the November 27, 2018 Business Meeting for additional consideration.
Deets/Blossom: Motion carried 6 – 1.

AYES:	Sarah Blossom, Ron Peltier, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina
NOES:	Rasham Nassar
ABSENT:	None
ABSTAIN:	None

Mayor Medina recessed the meeting at 9:30 p.m. for a break. Councilmember Nassar left the meeting at 9:30 p.m. Mayor Medina reconvened the meeting at 9:35 p.m.

7) CITY COUNCIL DISCUSSION

7.A Discussion of City Policies - Mayor Medina

Cover Page
City Policies - CC 20 Nov 2018.docx

City Manager Smith introduced the agenda item, and Council discussed the topic.

8) FUTURE COUNCIL AGENDAS

8.A Future Council Agendas - Mayor Medina

Cover Page
City Council Regular Business Meeting 112718
City Council Study Session 120418
City Council Regular Business Meeting 121118

Councilmember Tirman noted that a discussion on race equity is scheduled for December 4, 2018. Mayor Medina noted that a new section on City Funding Decisions will follow the City Manager's report on November 27, 2018.

9) FOR THE GOOD OF THE ORDER

Deputy Mayor Deets inquired about laws regarding styrofoam containers.

Councilmember Tirman said he will abstain from voting on the Coffee Oasis project discussion next week.

Mayor Medina asked Councilmember Schneider to serve as Council liaison to the Public Art Committee, and she agreed.

Councilmembers Blossom, Schneider, and Peltier will be on Affordable Housing Council Ad Hoc Committee.

10) ADJOURNMENT

Mayor Medina adjourned the meeting at 9:55 p.m.

_____
Kol Medina, Mayor

_____
Christine Brown, City Clerk

CITY OF BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:**

AGENDA ITEM: Regular City Council Business Meeting Minutes, November 27, 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 112718 BUSINESS

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, NOVEMBER 27, 2018

MEETING MINUTES

1) CALL TO ORDER / ROLL CALL

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) EXECUTIVE SESSION

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

Mayor Medina adjourned the meeting to an executive session at 6:02 p.m. pursuant to RCW 42.30.110((1)(i).

Council returned from executive session at 6:32 p.m., and Mayor Medina reported that no action was taken.

3) PLEDGE OF ALLEGIANCE / APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Mayor Medina reconvened the meeting at 6:33 p.m. with the aforementioned Councilmembers present.

Deputy Mayor Deets moved to pull Item 10.B, Amendments to the Shoreline Master Program, and Councilmember Tirman seconded the motion. The motion failed 5-2 with Deputy Mayor Deets and Councilmember Nassar voting in favor.

Mayor Medina asked to add an item under Unfinished Business to set a public hearing on Ordinance No. 2018-20.

Councilmember Peltier moved to remove Ordinance No. 2018-39 adopting the budget from the Consent Agenda.

Councilmember Nassar moved and Councilmember Peltier seconded to approve the agenda as amended. The motion was approved by unanimous consent. There were no conflicts of interest disclosed.

4) PUBLIC COMMENT

Sue Entress spoke in favor of funding modifications to the Waterfront Park dock and expressed concerns about the Open Water Marina.

Grace spoke on behalf of Bainbridge Island Rowing.

Eve Herd spoke on behalf of Bainbridge Island Rowing.

Barb Trafton spoke in favor of budgeting money for noxious weed control, Waterfront Park modifications, and non-motorized improvements.

Deb Rudnick spoke against the roundabout at New Brooklyn.

Debra Lester spoke as a Kitsap Public Utilities District (KPUD) Commissioner on the Groundwater Management Plan and offered KPUD's assistance with the project.

John Foy spoke in favor of funding Waterfront Park dock modifications.

5) MAYOR'S REPORT

Mayor Medina mentioned that the Environmental Technical Advisory Committee has asked to prepare a Groundwater Management Fact Sheet. He added that he will join Councilmember Schneider and Deputy Mayor Deets on developing a proposal for non-motorized projects.

6) CITY MANAGER'S REPORT

City Manager Smith mentioned the cancellation of the Agate Pass bridge closures, a public workshop for an update on Suzuki project on November 28, 2018, and a public meeting on December 10, 2018 on the Dave Ullin Open Water Marina.

7) PRESENTATION(S)

7.A 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

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

Mayor Medina read the resolution.

MOTION: I move to approve Resolution No. 2018-32.
Nassar/Peltier: The motion was approved by unanimous consent.

Charles Schmid commented on the work of Association of Bainbridge Communities.

Council thanked Charles Schmid for his work.

8) CITY FUNDING DECISIONS

8.A Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations - Executive

Cover Page
HSFAC Recommendation for 2019-20

Councilmember Schneider introduced the agenda item.

Councilmember Nassar moved and Councilmember Peltier seconded to award $100,000 out of the 2018 Council contingency fund to the Tyler Moniz project. Council discussed the motion.

Public Comment

Debra Lester spoke about the need for the Tyler Moniz project.

Lee Moniz spoke about the need for the Tyler Moniz project.

Hanna Nodsle spoke about the need for the project.

AMENDMENT: I would like to amend the motion to forward this to our next study session for further discussion.
Peltier/Blossom: The amendment was approved by unanimous consent.

AMENDED MOTION: I move to take up this item at our next study session.
Nassar/Peltier: The motion was approved unanimously, 7-0.

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.
Deets/Schneider: The motion was approved by unanimous consent.

8.B Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive

Cover Page
2019 LTAC Funding Recommendations

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.
Nassar/Deets: The motion was approved by unanimous consent.

9) PUBLIC HEARING(S)

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

Cover Page
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

Senior Planner Sutton introduced the agenda item. Deputy City Attorney Sepler addressed Council's questions.

Mayor Medina opened the public hearing at 7:37 p.m. There was no public comment. Mayor Medina closed the public hearing at 7:37 p.m.

MOTION: I move to approve Ordinance No. 2018-30.
Nassar/Tirman: The motion was approved by unanimous consent.

10) UNFINISHED BUSINESS

12.J [Pulled from Consent Agenda] 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.docx
2019 Exhibit A - as Adopted v1.pdf
2020 Exhibit B - as Adopted v1.pdf

Mayor Medina invited Councilmember Peltier to speak since he had pulled this item from the Consent Agenda.

MOTION: I move to increase the funding for noxious weed removal in the 2019/2020 budget to $100,000.
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

Deputy Mayor Deets asked to discuss the Waterfront Park Dock project. Public Works Director Loveless provided information on the proposed modification to the Waterfront Park dock, and Council discussed the project.

Deputy Mayor Deets moved and Councilmember Blossom seconded to approve $150,000 to study re-design of the City Dock so it can be utilized by the rowers and the kayakers. Council discussed the motion.

AMENDMENT: I move to amend to proceed with design options for $30,000.
Schneider/Blossom: The amendment carried 5-1 with Councilmember Tirman voting against and Councilmember Peltier abstaining.

AMENDED MOTION: I move to approve up to $30,000 to proceed with design options for the City Dock.
Deets/Blossom: Motion carried 5-2.

AYES: Rasham Nassar, Kol Medina, Sarah Blossom, Joe Deets, Leslie Schneider
NOES: Ron Peltier, Matt Tirman
ABSENT: None

ABSTAIN: None

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, as amended.
Blossom/Nassar: The motion carried unanimously, 7-0.

10.A Consideration of Ordinance No. 2018-40 Relating to the Levy of Property Taxes for Collection in 2019
Cover Page
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

MOTION: I move to approve Ordinance No. 2018-40, Relating to the Levy of Property Taxes for Collection in 2019.
Blossom/Nassar: The motion carried unanimously, 7-0.

10.B Amendments to the Shoreline Master Program (SMP) Relating to Integration of Critical Areas Regulations and Nonconforming Structures, Uses, and Lots - Planning
Cover Page
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

Senior Planner Carr introduced the agenda item. Council discussed the Planning Commission's recommendation and nonconforming structures.

Public Comment
Bill Chester spoke about the Planning Commission's recommendation.

Elise Wright spoke against loosening the regulations.

Lisa Macchio spoke about the process.

Dick Haugan spoke in favor of simplifying the Shoreline Master Program.

Michael Zigich spoke about the process and equal treatment.

Mayor Medina adjourned the meeting for a break at 9:09 p.m. and reconvened the meeting at 9:17 p.m.

10.C Set Public Hearing on Ordinance No. 2018-45, Extending the Duration of the Interim Official Control Related to the Preservation of Landmark Trees - Planning
Cover Page
Ordinance No. 2018-45, Extending the Duration of the Landmark Tree Interim Official Control
Chapter 16.32 BIMC, Preservation of Landmark Trees

MOTION: I move to hold a public hearing on Ordinance No. 2018-45 as part of the December 11, 2018 Business Meeting.
Blossom/Nassar: The motion was approved by unanimous consent.

10.D Sportsman Club and New Brooklyn Intersection Design Professional Services Agreement Amendment No. 1 - Public Works
Cover Page
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

Public Works Director Loveless introduced the agenda item and addressed Council's questions. Council discussed the proposed motion.

Councilmember Blossom called the question, and Councilmember Tirman seconded. The motion to end debate carried 5-2 with Councilmembers Nassar and Peltier voting against.

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.
Blossom/Tirman: Motion carried 5 – 2.

AYES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider, Kol Medina
NOES: Ron Peltier, Rasham Nassar
ABSENT: None
ABSTAIN: None

10.E Code Enforcement: Updates to Chapter 1.26 BIMC - Planning
Cover Page
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

Deputy City Attorney Sepler and Code Compliance Officer Vause provided a presentation on Code Enforcement issues. Staff will return with a draft ordinance updating Chapter 1.26 BIMC and the sign code in the first quarter of 2019.

10.F [Added] Ordinance No. 2018-20 Relating to Revisions to BIMC Title 2 Related to Land Use Review Approval Bodies and Procedures - Planning

Planning Director Christensen introduced the agenda item.

MOTION: I move to set a public hearing on Ordinance No. 2018-20 as part of the agenda for the December 11, 2018 business meeting.
Nassar/Deets: The motion was approved by unanimous consent.

11) NEW BUSINESS

11.A Resolution No. 2018-31, Updating the Planning and Community Development Department's Administrative Manual - Planning

Cover Page
Resolution No. 2018-31, Updating the PCD Administrative Manual
Exhibit A to Resolution No. 2018-31 - Updated Administrative Manual

MOTION: I move to approve Resolution No. 2018-31, updating the Planning and Community Development Department's Administrative Manual.
Blossom/Schneider: The motion was approved by unanimous consent.

11.B Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity - Planning

Cover Page
Resolution No. 2018-35, Amending the City's Fee Schedule to Reflect Recent Legislative Activity

Senior Planner Sutton noted that references in Exhibit A need to be corrected.

Councilmember Schneider moved and Councilmember Nassar seconded to amend the resolution to replace all references to 2018-33 with 2018-35. The motion was approved by unanimous consent.

MOTION: I move to approve Resolution No. 2018-35, as amended.
Blossom/Schneider: The motion was approved by unanimous consent.

11.C Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC, Related to Water Rights - Public Works

Cover Page
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

Public Works Director Loveless introduced the agenda item.

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.
Nassar/Deets: The motion was approved by unanimous consent.

11.D Ordinance No. 2018-44 Relating to 2018 4th Quarter Budget Amendments - Finance

Cover Page
ORD 2018-44 2018 4th QTR Budget Adjustments
Ord 2018- Attachment A - Q3 and 4 Budget Amendments (First Reading).pdf

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.
Blossom/Deets: The motion was approved by unanimous consent.

11.E Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive

Cover Page

Amendment No 1 to the Contract for Indigent Defense Services
Contract for Indigent Defense Services
Resolution No. 2014-14, Adopting Public Defense Standards

MOTION: I move to forward Amendment No. 1 to the Contract for Indigent Defense Services for approval with the December 11, 2018 Consent Agenda.
Blossom/Deets: The motion was approved by unanimous consent.

12) CONSENT AGENDA

12.A Agenda Bill for Consent Agenda
Cover Page

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

Accounts Payable: last check number 349064 from previous run = $447,159.96; manual check number sequence 349065 – 349094 = $356,050.30; regular check number sequence 349095 – 349197 = $205,717.83. Total disbursement = $561,768.13.

Payroll: normal direct deposit check sequence 043258 – 043380 = $304,062.97; normal payroll check sequence 108758 – 108759 = $4,190.50; vendor check run sequence 108760 – 108771 = $122,087.90; Federal Tax Electronic Funds Transfer = $112,958.67. Total disbursement = $543,300.04.

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

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

12.E WestNet Interlocal Agreement - Police
Cover Page
WestNET Interlocal Agreement

12.F 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

12.G 2019-21 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department - Executive
Cover Page
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
Cover Page
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

Cover Page
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)

MOTION: I move to approve the Consent Agenda, as modified.
Nassar/Deets: The motion was approved by unanimous consent.

13) COMMITTEE REPORTS

13.A Committee Reports

Cover Page
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

Councilmember Peltier asked for an update on one-way streets and further discussions on climate change.

Mayor Medina noted that Deputy Mayor Deets will run the next study session.

A request to form a subcommittee of Council to work on finding a development partner for the Suzuki project will be added to next week's agenda. Councilmembers Tirman, Nassar, and Blossom expressed interest in participating on the subcommittee.

Deputy Mayor Deets, Councilmember Schneider, and Mayor Medina will work on next steps for a process for non-motorized projects.

15) ADJOURNMENT

Mayor Medina adjourned the meeting at 10:25 p.m.

_____
Kol Medina, Mayor

_____
Christine Brown, City Clerk

City Council Regular Business Meeting Agenda Bill

MEETING DATE: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 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:
Approve with Consent Agenda.

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: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 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:
Approve with Consent Agenda.

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: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 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:
Approve with 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:

http://www.bainbridgewa.gov/765/Water-System-Plan-Update

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: [signature] 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

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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 1011-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: December 11, 2018 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: 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:

Approve with Consent Agenda.

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: December 11, 2018 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: 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:
Approve with 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: December 11, 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:

Ethics Board Minutes - October 15, 2018

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

ETHICS BOARD
REGULAR MEETING
MONDAY, OCTOBER 15, 2018
CITY HALL
COUNCIL CONFERENCE ROOM
280 MADISON AVENUE NORTH
BAINBRIDGE ISLAND, WA 98110

Minutes

1. Call to order. Meeting was called to order at 6:32 PM Present were Scott Wilder, Maradel Gale, Brian Strully, Ingrid Billies, and Joe Deets, Council representative. Also present members of the public Chip McDermott, Malcolm Gander and Melanie Keenan.

2. Changes or Additions to Agenda. Maradel would like to add a discussion about the potential changes to the Code. This discussion will be added after Public Comment. It will be titled Potential Ethics Code changes.

3. Disclosure of conflicts of interest. None.

4. Minutes of the September 2018 meeting were accepted with changes.

5. Communications. Scott has had communications with Joe Deets. Joe Deets has had communications with Joe Levan. Scott had email communications with City Clerk and also with Rasham Nasser and Jonathan Davis. Scott also exchanged emails with Frank Gremse, Chip McDermott and Council member Peltier. Maradel spoke with some present and former City Council members regarding Article I of the Code of Ethics.

6. Public Comment. Melanie Keenan presented her thoughts with a paper "Ethics Board Questions and Concerns Pertaining to Citizen Committees".

7. Potential Ethics Code changes. Discussion by the Board. Maradel drew up some language which the Board could potentially propose to the City Council. The Board discussed these potential changes and the implementation and impact of these. These items will be discussed at the next meeting.

8. Frank Gremse's Complaint. Ingrid will draft the final copy and send it to members of the Ethics Board.

9. David Johnson's Complaint. Scott will email Ron Peltier for his response to this complaint.

10. Chip McDermott's Complaint. Discussion on the complaint. Further discussion on this at the next meeting.

11. Bonnie McBryan' s Complaint. Scott will email Ron Peltier for a response to the complaint.

12. Training schedule for other committees/Review Education Module. This will be addressed next meeting.

13. Items for next meeting agenda. Finish the complaints. Maradel and Brian will be the sub-committee for drafting language for the proposed changes. Review the Ethics Education Module.

14. Next meeting date. November 19, 2018, 6:30.

15. Adjournment. 8:04 PM.

Scott Wilder, Chair 11/19/18