



**CITY OF BAINBRIDGE ISLAND  
PLANNING COMMISSION MEETING  
THURSDAY, FEBRUARY 25, 2016  
6:00 PM - 8:30 PM  
CITY COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WASHINGTON**

- 6:00 PM CALL TO ORDER**  
Call to Order, Agenda Review, Conflict Disclosure
- 6:10 PM REVIEW AND APPROVAL OF MINUTES**  
November 19 and December 10, 2015 Planning Commission Meetings
- 6:15 PM PUBLIC COMMENT**  
Accept public comment on off agenda items
- 6:20 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 6:30 PM 2016 COMPREHENSIVE PLAN UPDATE**
- *Revised Climate Change Guiding Principle*
  - *Water Resources Element*
- 7:05 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 7:15 PM GENERAL LTD. SHORELINE MASTER PROGRAM AMENDMENT**  
Study Session
- 8:05 PM AQUACULTURE LTD. SHORELINE MASTER PROGRAM AMENDMENT**  
Study Session
- 8:25 PM NEW/OLD BUSINESS**
- 8:30 PM ADJOURN**

**\*\*TIMES ARE ESTIMATES\***

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at [pcd@bainbridgewa.gov](mailto:pcd@bainbridgewa.gov) or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

For special accommodations, please contact Jane Rasely, Planning & Community Development  
206-780-3758 or at [jrasely@bainbridgewa.gov](mailto:jrasely@bainbridgewa.gov)



**CITY OF BAINBRIDGE ISLAND  
REGULAR PLANNING COMMISSION MEETING  
THURSDAY, NOVEMBER 19, 2015  
6:00 p.m.-9:00 p.m.  
CITY COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WASHINGTON**

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure  
PUBLIC COMMENT - Accept public comment on off agenda items  
WATERFRONT PARK SITE PLAN REVIEW & SHORELINE SUBSTANTIAL  
DEVELOPMENT PERMIT, SPR18924 & SSDP18924 – Public Meeting  
HISTORIC PRESERVATION COMMISSION – Briefing on future work  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
2016 COMPREHENSIVE PLAN UPDATE

***Economic Element:*** Confirm changes to DRAFT *Element*

***Transportation Element:***

- Discuss Transportation Related Chapters of Winslow Master Plan
- Discuss Non-Motorized Transportation Plan

PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
NEW/OLD BUSINESS  
ADJOURN

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**CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure**

Chair J. Mack Pearl opened the meeting at 6:06 PM. Planning Commissioners also in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester and Michael Killion. City Staff present were Engineering Manager Chris Hammer, Special Project Planner Jennifer Sutton, Senior Planner Heather Beckmann, Engineering Project Manager Mark Epstein, Development Engineer Janelle Hitch and Administrative Specialist Jane Rasely who monitored recording and prepared minutes. City Consultant Joe Tovar also attended.

The agenda was reviewed and no conflicts were disclosed.

**PUBLIC COMMENT - Accept public comment on off agenda items**

None.

**WATERFRONT PARK SITE PLAN REVIEW & SHORELINE SUBSTANTIAL  
DEVELOPMENT PERMIT, SPR18924 & SSDP18924**

Senior Planner Beckmann introduced the project (stating it had been in the works since 2013) and Engineering Project Manager Mark Epstein. Planner Beckmann gave an overview of the timeline/history of the Waterfront Park as well as the receipt of funding sourced out of the monies

received from the Washington State Ferry system for the purchase of land used to house the ferry repair yard.

Project Manager Epstein gave an overview of the more recent developments in this project since February 2014 stating the City was scheduled to receive the final design package within the following couple of days. Mr. Epstein went on to outline *Master Plan Phase I* and the approved 30% design. One item of highlight was storm water infiltration and disbursement into the rain gardens. He stated that not only would 100% of the park's storm water runoff be captured through these methods, but also a portion of the runoff from Winslow Way would be captured and infiltrated through the Park's rain gardens. Discussion of the differences between pervious and impervious pathways was discussed. Chair Pearl asked about tree protection during construction. Mr. Epstein replied there were very strict requirements for that and they were very cognizant of protecting them.

**Motion: We recommend approval of this Waterfront Park proposal with the removal of that one condition about requiring a pervious surface on the lower part of those walkways.**

Commissioner Gale wanted it stated in the record that the Commission recognized the problematic nature of doing this and that this would be an exception to the norm that is available in instances where it is possible to do something that mitigates, which is what they believed was happening there. They were not just ignoring the issue.

**Lewars/Gale: Passed unanimously 5-0**

#### **HISTORIC PRESERVATION COMMISSION – Briefing on future work**

Planner Beckmann gave a brief overview of the work the Historic Preservation Commission (HPC) had performed in the last five years. She stated they were working hard to amend the Land Use Code. She introduced Dave Williams and Glen Hartman from the Historic Preservation Commission and they made a presentation concerning the Land Use Code (see attached presentation). The Planning Commission asked the HPC to send their proposed changes to the Land Use element language to them. They agreed to do so.

#### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

None.

#### **2016 COMPREHENSIVE PLAN UPDATE**

Chair Pearl started off the discussion with the need for a definition of Business/Industrial. Conversation ensued with Commissioners taking different stances on whether a new definition or zone should be created without speaking to current Business/Industrial landowners to find out why there were other tenants than light manufacturing in the Business/Industrial zoning and how that was working for them. Commissioner Chester felt it was possible to be specific about which types of businesses could be in these areas.

**Motion: I move we conditionally approve this Economic Element with the exception of this one goal, EC 15.**

**Lewars/Gale: Passed unanimously 4-0**

Planner Sutton gave a brief overview of the work the Planning Commission had performed thus far on the Transportation Element. She introduced Development Engineer Janelle Hitch and recognized Engineering Manager Chris Hammer's presence to answer questions.

After a conversation about combining the Non-Motorized Plan and the Island-Wide Transportation Plan (IWTP) into the Comprehensive Plan, the Commission agreed they would like to start with the Non-Motorized Committee's recommendations for changes in the Transportation Element at the December 10, 2015 meeting.

Engineer Hitch gave a brief synopsis of the type of work she performs for the City as well as her history of work in the Washington State Department of Transportation before coming to the City four and a half years ago. She encouraged the Commissioners to look at the private development traffic impacts as well as the public. She also stated her desire to see the IWTP adopted instead of just accepted as there were difficulties inherent with an "accepted" document. There was conversation regarding Highway 305 and different studies on how to achieve better traffic flow. Councilmember Val Tollefson informed the Commission the Council was already working with their partners on the other side of the bridge to solve this issue, that it would begin to move quickly (faster than the Comprehensive Plan update process) and urged them to look beyond the next year and a half in regard to the highway. Consultant Tovar recommended they address vegetation in the State's easement and the cross-overs along Highway 305 so the State would understand where the City stands on those issues.

#### **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

None.

#### **NEW/OLD BUSINESS**

Planner Sutton announced the Housing Element Workshop would be held on December 3, 2015. The Commission asked that Consultant Tovar introduce and kick-off the workshop so attendees would know what type of information the Commission was looking for.

#### **ADJOURN**

The meeting was adjourned at 8:28 PM.

Approved by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist



**CITY OF BAINBRIDGE ISLAND  
REGULAR PLANNING COMMISSION MEETING  
THURSDAY, DECEMBER 10, 2015  
6:00 p.m.-8:30 p.m.  
CITY COUNCIL CHAMBER  
280 MADISON AVE N  
BAINBRIDGE ISLAND, WASHINGTON**

CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure  
REVIEW AND APPROVAL OF MINUTES – October 22, 2015 Planning Commission Meeting  
PUBLIC COMMENT - Accept public comment on off agenda items  
PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
2016 COMPREHENSIVE PLAN UPDATE

*Housing Element:* Debrief from December 3 Housing Element Workshop

*Transportation Element:*

- *Review Introduction, Transportation Issues & Vision Sections (pp-1-10)*
- *Review Goals and Policies 1-4 (pp-19-23):*

*TR 1 Multimodal*                      *TR 3 Ferry Service*

*TR 2 Non-motorized System*      *TR 4 Bus*

PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE  
NEW/OLD BUSINESS  
ADJOURN

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**CALL TO ORDER - Call to Order, Agenda Review, Conflict Disclosure**

Chair J. Mack Pearl called the meeting to order at 6:02 PM. Other Commissioners in attendance were Michael Lewars, Maradel Gale, Jon Quitslund, William Chester, Michael Killion and newly appointed Lisa Macchio who was formally welcomed by the Commission. City Staff present were Planning Director Kathy Cook, Engineering Manager Chris Hammer, Special Project Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes. City Consultant Joe Tovar also attended. There were not any conflict disclosures.

**REVIEW AND APPROVAL OF MINUTES – October 22, 2015 Planning Commission Meeting**

Commissioner Quitslund corrected a technical error on page 6 changing R-4 zoning to R-0.4 zoning.

**Motion: I move we approve as amended.**

**Killion/Lewars: Approved unanimously 6-0**

## **PUBLIC COMMENT - Accept public comment on off agenda items**

None.

## **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

**Scott Lawrence, Citizen** – In 2003, he participated in the planning process around the development of the Neighborhood Service Centers (NSC). He suggested that they were ready to move on in the process to take the next step in planning for the NSCs at Island Center and Rolling Bay and in particular, he would like to see the City planning for the future bringing water and sewer service into those two areas. He felt that was a critical component to making those areas work as they were intended to work. In the next few decades, he felt everyone knew that Bainbridge Island would continue to have new houses built and he thought according to what they had been doing in the planning process, the purpose of the NSCs was to help maintain or create a housing stock which, when the Island becomes fully built out in a few decades (which he felt would happen when zoning laws permitted), they would be able to promote building smaller, energy efficient homes. He believed there was a lot of information about clustering and using dedicated green space as well as multi-use would be important for the Island 30 years from now especially. It would reduce the traffic into Winslow and would distribute the growth pattern a little better. He felt it would be a healthy thing for Bainbridge. He wanted the City to continue to move forward and hoped the Commission, when they made their report City Council, would leave the door open to continuing that planning process to get the NSCs started up.

Commissioner Gale asked if Mr. Lawrence had any ideas on how to get lesser impact homes on the Island. He felt the NSCs were one of the ways to do that. Mr. Lawrence also replied it was not economically possible to build small, relatively affordable homes unless the very expensive cost of land per square foot is taken into account. He knew from a lot of research that promoting high density designated area development. Research shows that the majority of people prefer clustered open space types of development as opposed to one house on a big piece of land. He advocated what was suggested in the plan that at least in those three designated areas of the Island: higher density to create clustered housing. He felt it was possible to do that a little more with the County presenting the Meadowmeer development as an example. He felt there was a lot of “big house” approach built into the current zoning. He felt they needed to require denser areas of housing and multi-use to meet the goals of the NSCs.

Commissioner Lewars agreed with Mr. Lawrence and felt that part of the vision for NSCs was combined housing and retail which tended to make it more affordable. He stated the mechanism for that seemed to be the Special Area Planning Process.

## **2016 COMPREHENSIVE PLAN UPDATE**

### **Housing Element: Debrief from December 3 Housing Element Workshop**

Planner Sutton gave an overview of the Housing Element Workshop and the tools that have and have not been successful and the tools that have not been used. She also stated she was going to let the Commissioners set the discussion of the workshop based upon the public comment table. Conversation began with the number of times “affordable” was used. Commissioner Lewars stated it was in 6 out of 8 of the Housing Element Goals. The question of how to achieve affordability was bandied about with Commissioner Chester offering up the cost of land being a key factor. He thought the cost of land was a good argument for developing the NSCs to provide more affordable housing on less costly land. There was also discussion about whether the City should be in the

business of housing or if it should partner with private and non-profit groups who already do a good job with finding/funding affordable housing.

City Consultant Joe Tovar cautioned the Planning Commission to include implementation and not just ideals in the Housing Element or they would feel the frustration of having a good plan and no way to achieve it.

### **Public Comment on Housing Element**

**Ed Kushner, Citizen** – Spoke about the term “live-a-board” saying it had been used for a variety of different things. He clarified that the 10% and 25% are people who live in marinas on their boats stating that was different than those who were outward, out of the marina where people just dropped anchor and lived aboard for years. He stated that live aboard community had shrunken dramatically and now had a pasture to anchor in that was the only place for them to go. Boats were allowed to stay anchored for 30 days and then move if another area like Poulsbo or Kingston would take them. The 10% had to do with the number of berths in a marina that could be occupied by live-a-board residents. It didn’t mean the marina owners had to take 10% in, they could say zero live-a-boards in their facility. Mr. Kushner researched whether any marinas were exceeding the 10% and only one marina was not in compliance with that. The City could have requested an exemption from the Department of Natural Resources to allow up to 25% live-a-boards in a marina, however since the local marinas were not already exceeding the 10%, nobody saw that as an issue and the exemption was not asked for. He personally saw it as a big issue and would have personally like to have the option available for live-a-boards but realized that could not be done without an amendment.

**Ron Peltier, Citizen** – Mr. Peltier really liked the conversation about creating a vision of what the City wants to achieve and what Bainbridge Island would look like in 25 years. He liked the exercise of thinking about what the vision for Bainbridge Island is in 25 years and then working backwards. He would like to see even going so far as 50 to 100 years in the future. He wanted the Commission to think about what the result of what the City did now was going to look like or what they wanted Bainbridge Island after they were gone. He felt that was a lot of what visioning was: thinking about an ideal and not just responding to a demand from outside to grow. He wanted them to look at what an ideal community would like and then work backwards. He wanted to revisit that as the Comp Plan process moves forward.

### **Transportation Element**

Planner Sutton confirmed everyone understood the way the Transportation Element had been edited giving guidance on where each type of edit came from (i.e., blue text, underline, strikethrough, etc.) She also stated the Drafting Committee had increased the depth or bulk of the vision for the Transportation Element. Mr. Tovar reminded the Commissioners that the Island-Wide Transportation Plan (IWTP) was a functional plan and the Transportation Element was policy. It was also stated that the Non-Motorized Transportation Plan had been absorbed into the IWTP. Engineering Manager Chris Hammer gave an update on currently planned improvements to roadways/intersections before discussion began. Each Commissioner went through the notes they had regarding questions or changes they wanted to see in the Introduction of the Transportation Element. Goals TR-1 through TR-4 were discussed with dialogue about coordinating trail development with the neighborhoods and property owners potentially affected by them.

## **PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**

**Charles Schmid, Citizen** – Felt the Vision for the Transportation Element needed to be worded differently without action items. He wanted the Vision to read: “An island with scenic roads and trails which safely connect neighborhoods.” He thought you could really get the Vision out of the Goals if you looked at it. He thought the Vision statement should look like a vision statement and have something about scenic roads AND trails.

**Ron Peltier, Citizen** – Understood that open ditches functioned to help clean and slow down storm water. The vegetation tended to slow down the water even though there were corrugated culverts as well. He thought they might get into that more with the Utilities Element but felt it would be appropriate for the Transportation and Environmental Elements to have something about storm water in relation to the transportation system citing contaminants from roadways as a major contributor to degradation of the Puget Sound. He stated there was very little mitigation for quality and quantity of the Island’s roads right now. He understood that Highway 305 only had quality mitigation in the swales located by the Baptist church. He also felt that given the concerns expressed by citizens, there should be stronger language about a vision for Highway 305 that not only considers the needs of those who travel across the Island but also prioritizes what would be best for the Island community as they think about their influence on the future of Highway 305 a lot of which pertained to how the highway divides the Island. Mr. Peltier felt this was part of the visioning of what the highway corridor might look like for pedestrians as well as automobiles. Some language reflecting the sensibilities of Bainbridge Islanders regarding Highway 305 would be really useful.

Chair Pearl asked if Mr. Peltier was asking to add it to the original vision statement or the goal. Mr. Peltier felt it would be very useful to add it to the vision statement because of the reference to regional planning. The way Bainbridge Island was represented should be consistent with the Comprehensive Plan so he thought having language in the Comp Plan that provided something for Council members to back them up. He did not want to dis-allow the fact that the Island is a commuting corridor but wanted acknowledgement that the Island is more than that. Commissioner Lewars did not feel he would receive any disagreement with that and he felt Highway 305 was the number one issue in the whole Transportation Plan. The Commissioners agreed and asked Commissioners Gale and Quitslund to draft language including that in the Vision Statement.

#### **NEW/OLD BUSINESS**

None.

#### **ADJOURN**

The meeting was adjourned at 8:26 PM.

Accepted by:

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J. Mack Pearl, Chair

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Jane Rasely, Administrative Specialist



CITY OF  
BAINBRIDGE ISLAND

***PLANNING & COMMUNITY DEVELOPMENT***

***MEMORANDUM***

TO: Planning Commission

FROM: Jennifer Sutton, AICP  
Senior Planner

DATE: February 25, 2016

RE: Study Session on Comprehensive Plan Update

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**I. REVIEW DRAFT *CLIMATE CHANGE GUIDING PRINCIPLE***

The Planning Commission discussed adding an additional guiding principle and policies regarding climate change at the February 11 meeting. The drafting committee met on February 16 to revise the climate change principle based upon the Commission's discussion. See the memorandum from Interim Planning Director Joe Tovar.

***Planning Commission Action:*** Review and confirm amendments to the new climate change guiding principle and policies.

**II. REVIEW *WATER RESOURCES ELEMENT***

On February 11, the Commission agreed with the Utility Advisory Committee to move all utility related policies currently in the *Water Resources Element* to the *Utilities Element*. The attached DRAFT *Water Resources Element* shows highlights the goals that are being moved to the *Utilities Element*. The policies of the DRAFT *Water Resources Element* have also been renumbered in the same way as other elements reviewed by the Commission.

The City is in the process of updating the *Existing Conditions and Future Needs* section of the *Water Resources Element* and a DRAFT of that updated section will be reviewed at the March 10 Planning Commission meeting. The existing [2004 Plan Water Resources Element](#) was provided to the Planning Commission and can be viewed on the City's website.

***Planning Commission Action:*** Review and confirm amendments and reorganization of the DRAFT *Water Resources Element*. The Commission should ask questions of staff about the information presented

#### **IV. NEXT STEPS**

The Planning Commission will continue review of the goals/policies of the *Water Resources Element* at the meeting on March 10.

The third (and last) of the Community Conversation on Water is **tentatively** scheduled for Thursday, March 17 at 6:30 PM. Aspect Consulting will present information on the concept of a “Water Budget” for Bainbridge Island.



## ***PLANNING AND COMMUNITY DEVELOPMENT***

# ***MEMORANDUM***

DATE: February 19, 2016

TO: Planning Commission

FROM: Joe Tovar, FAICP, Interim Planning Director

RE: Final proposed revisions to Climate Change Guiding Principle #7 and Policies

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At the February 11 meeting, the Planning Commission reviewed a revised Climate Change Principle #7 and several policies, as well as additional input from EcoAdapt. Based on the Commission's discussion at the February 11 meeting, the drafting committee and I have prepared the following recommended further revisions.

### **I. Definitions to add to the glossary**

The Planning Commission appeared to agree to add these to the Comprehensive Plan glossary:

*"Climate resilience"* is the capacity for a socio-ecological system to absorb stresses and maintain function in the face of external stresses imposed upon it by climate change.

*"Carbon sequestration"* is a term used to describe both natural and deliberate processes by which CO<sub>2</sub> is either removed from the atmosphere or diverted from emission sources and stored in the ocean, terrestrial environments (vegetation, soils, and sediment), and geologic formations.

In addition, Commissioner Macchio asked to add a glossary definition of "green infrastructure" and suggested reviewing how that term is used by the Environmental Protection Agency. Following is a definition that is online at the EPA Science Matters Newsletter:

*"Green infrastructure"* refers to natural vegetation, landscape design, and engineered techniques that retain, absorb, and often cleanse stormwater runoff. By including such features throughout a community, stormwater and other runoff from wet weather or spring thaws is retained, absorbed, and often naturally filtered. Green infrastructure prevents or reduces the amount of runoff from flowing directly into storm drains where it can overwhelm the sewer system and end up contaminating local waterways.

Two additional things are noted for your information. First, the above definition of green infrastructure makes reference to many of the low impact development (LID) stormwater methods that the City will adopt by the end of this year to comply with the requirements of the National Pollution Discharge Elimination System (NPDES). Second, the Planning Commission has previously added to the glossary a definition of “Green Building” as follows:

“*Green Building*” is a structure and use process that is environmentally responsible and resource efficient throughout a building’s life cycle: from siting to design, construction, operation, maintenance, renovation and demolition. Green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by efficiently using energy, water, and other resources; protecting occupant health and improving employee productivity; and reducing waste, pollution, and environmental degradation.

## II. Further revised Climate Change Guiding Principle #7 and related Policies

The color-coding has been removed from the earlier memo. The strikethroughs and underlining shown below emphasize what was deleted relative to that prior draft. The drafting committee’s final recommendation is shown following the strikethroughs.

### ~~Guiding Principle #7~~

~~Reduce greenhouse gas emissions and mitigate the effects of *climate change* and maintain in order to foster the Island’s environmental, economic and community *climate resilience* resiliency in the face of shifting environmental conditions, such as sea level rise, changing rainfall frequency and intensity, and more extreme weather events.~~

Guiding Policy ~~7.1~~ **7.1** Participate with state, regional and local partners in the development of a regional climate action plan aimed at reducing greenhouse gases by 25 percent of 1990 levels by 2020, 45 percent of 1990 levels by 2035 and 80 percent of 1990 levels by 2050.

Guiding Policy ~~7.2~~ **7.2** Advocate for comprehensive federal, state and regional science-based limits and a market based price on carbon pollution and other greenhouse gas emissions.

Guiding Policy ~~7.3~~ **7.3** Engage and lead community outreach efforts in partnership with other local governments, businesses and citizens to educate the community about *climate change* efforts and promote collaborative actions.

Guiding Policy ~~7.2~~ ~~7.4~~ **7.4** Develop and implement a Climate Action Plan that recognizes

Minimize impacts on the ecosystem values provided by carbon storage in the Island’s forests, which includes including *carbon sequestration*.

## **Guiding Principle #7**

Reduce *greenhouse gas* emissions and increase the Island's *climate resilience* in the face of shifting conditions, such as sea level rise, changing rainfall frequency and intensity, and more extreme weather events.

Guiding Policy 7.1 Participate with state, regional and local partners to reduce greenhouse gas emissions consistent with the 1990 benchmark and future year targets set forth in state law, educate the public about climate change and advocate for science-based solutions to climate change impacts.

Guiding Policy 7.2 Avoid, minimize and mitigate impacts on the Island's forests that provide many ecosystem services, including the cleansing of air and water and *carbon sequestration*.

Guiding Policy ~~7.5~~ 7.3 Enhance transportation ~~mobility~~ choices ~~that~~ to reduce the Island's ~~with a smaller~~ carbon footprint and avoid, minimize and mitigate pollution in road runoff.

Guiding Policy ~~7.6~~ 7.4 Encourage retrofitting of existing development and implement standards for new development to achieve a built environment that is durable, low-impact and energy-efficient.

In addition, the Planning Commission had previously decided to delete the previously proposed Guiding Policy 7.7, which read:

~~Guiding Policy 7.7 **Include** specific goals and policies in each plan Element to provide direction to programs, projects and regulations to mitigate and/or adapt to *climate change*.~~

After a review with the drafting committee of the original intent of Guiding Policy 7.7, we determined that a revised version would be appropriate. Rather than use the active verb "include," we suggest the verb "identify," which would reflect there are already a number of places in the draft Plan Elements that reference Climate Change.<sup>1</sup> Following is the drafting committee's revised recommended Guiding Policy 7.5:

Guiding Policy 7.5 **Identify** those specific goals and policies in each Plan Element that provide direction to programs, projects, and regulations to mitigate and/or adapt to the effects of climate change.

The identification of such goals and policies could be achieved with a simple graphic icon in the margin, similar to this:



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<sup>1</sup> In the current draft Environmental Element, **GOAL EN-13** provides: “Support and implement climate pledges and commitments undertaken by the City, and other multi-jurisdictional efforts to reduce *greenhouse gas* emissions, address *climate change*, sea-level rise, ocean acidification, and other impacts of changing global conditions.” Also, in the current draft Land Use Element, **Policy LU 4.8** provides: “Amend the Non-Motorized Transportation Plan to link centers and reduce vehicle miles traveled and *greenhouse gas* emissions; and, in the current draft Economic Element, **Policy EC 6.3** provides: “Utilize urban design strategies and approaches to ensure that the built environment is appropriate for present and future conditions on our Island, including the impacts of *climate change*.”

# WATER RESOURCES ELEMENT

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# WATER RESOURCES ELEMENT

## INTRODUCTION

Bainbridge Island, as a quasi-enclosed environment, must protect its water resources to ensure that future generations will have a sufficient quantity of high quality water to support life and natural habitat on the Island. Thus, it is important to view water resources from a holistic perspective because of the interdependence of different water types. However, it is challenging to address, for example, groundwater, surface water, and aquifer recharge issues in isolation due to the interrelationship. To address these interrelationships in respect to management of our Island water resources, a separate Water Resources Element has been developed as follows:

- General water resource management policies.
- Groundwater protection policies.
- ~~Drinking water policies.~~
- ~~Sanitary sewage disposal policies.~~
- ~~Storm and surface water management policies.~~
- Monitoring and public education policies.

### *Water on Bainbridge Island*

Precipitation is the sole source of water for the groundwater and surface water (streams, springs and wetlands) on Bainbridge Island. All public and private water systems are dependent on groundwater (wells) as a source of domestic potable water. Aquatic life is dependent on the surface waters of the Island. For this reason it is important to protect these water resources. Adequate protection of this important resource requires an understanding of what can affect the quality and quantity. Also of great importance is the management of the resource by guarding against potential impacts and monitoring the resource to ensure that water quality and quantity is in fact maintained at high standards.

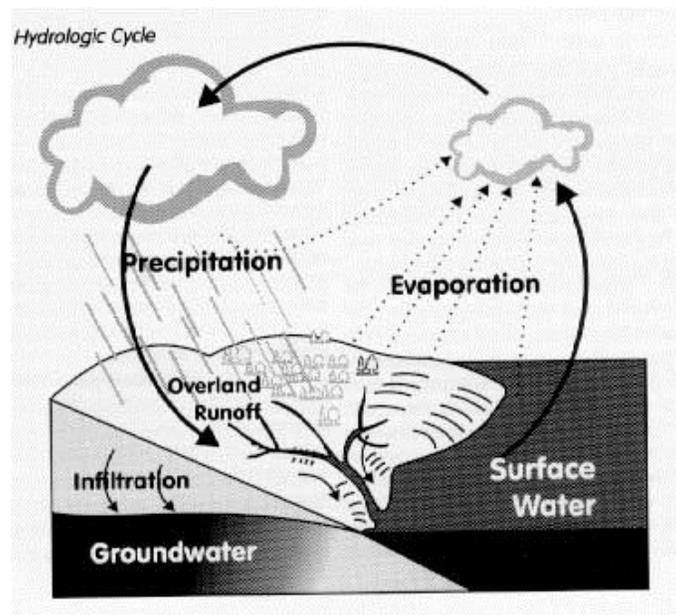
As the local government, the City of Bainbridge Island should be the overseeing agency for the Island's water resources, working in concert with the federal, state and county agencies that are charged by law to administer specific aspects of water resource management.

### *Hydrologic Cycle*

From the time Bainbridge Island was formed, water has been endlessly circulating. This circulation is known as the hydrologic cycle. Surface water is evaporated from the earth by the sun. The water vapor forms clouds in the sky. Depending on the temperature and weather conditions, the water vapor condenses and falls to the earth as precipitation. When precipitation falls on the Island, some of it flows along the surface and into streams or wetlands, some of it is used by plants, some evaporates and returns to the atmosphere, some sinks into the ground and some flows to the Puget Sound. It is important to understand the

hydrologic cycle as it relates to our Island. Studies, such as the *City of Bainbridge Island Level II Assessment: An Element of the Water Resources Study* (2000, by Kato & Warren, Inc. and Robinson & Noble, Inc.) and the *Bainbridge Island Numerical Groundwater Model Project* (2011, USGS) have been conducted and will continue to be required to build an understanding of the geology and hydrology of our Island.

In understanding the various aspects of the hydrologic cycle on Bainbridge Island, we must look at the different stages within the cycle. These include the Island watersheds (surface water) and aquifers (groundwater).



## *Watersheds*

Precipitation, once it hits the ground, becomes surface water. Surface water flows from high geographic points to lower elevations collecting in streams and wetland systems within the watersheds of the Island. Watershed boundaries are determined by the topography of the Island with ridgelines defining the boundaries of separate watersheds. Studies have determined that Bainbridge Island has 12 separate watersheds.<sup>1</sup>

## *Aquifers*

The water that flows into the ground moves slowly through layers of soil, sand and rocks, and is stored in underground spaces called aquifers. The speed at which groundwater flows or infiltrates depends on the size of the spaces in the soil or rock and how well the spaces are connected. Aquifers typically consist of gravel, sand, sandstone, or fractured rock, like limestone. These materials are permeable because they have large connected spaces that

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<sup>1</sup> *Bainbridge Island Watersheds*, 1995, Puget Sound Cooperative River Basin Team, *City of Bainbridge Island Level II Assessment: An Element of the Water Resources Study*, 2000, Kato & Warren, Inc., Robinson & Noble, Inc.

allow water to flow through them. Studies have identified five principal aquifer systems on Bainbridge Island.<sup>2</sup>

The aquifers of the Island provide the drinking water for the city. Drinking water is extracted from the ground through piped wells drilled down into the Island's aquifers. Generally the public water purveyors and large private water purveyors utilize wells from deeper aquifers. However, many private wells are quite shallow, being drilled to the aquifer closest to the surface. These shallow wells can be adversely affected by the fluctuations in groundwater levels, going dry when the aquifer water level falls below the bottom of a shallow well.

### *Land Use Connection*

In the development of policies related to the management of our Island water resources, it is important to understand the links between water resources and land use and links between water quality, quantity and growth. Most water quality problems are caused by the way land is used. Developed land allows for rapid runoff and inundation of natural conveyance systems such as wetlands and streams. Rapid runoff, however, can cause damage through flooding, erosion, and water-borne contamination. In addition, households create sewage, which, on the majority of Bainbridge Island, means disposal by on-site, sanitary, sewer septic systems. These systems can fail and cause contaminants to enter the surface water and/or groundwater. Furthermore, improper livestock management can add significant fecal contamination to surface water and/or groundwater.

Without proper coordination of the regulations that will implement these policy statements, conflicting signals may be given when dealing with water resource issues. For example, a surface water problem may be resolved by efficiently collecting and removing all water from the area, whereas a groundwater recharge issue may require that the water be kept on-site to allow for infiltration. Another conflict arises when infiltration of stormwater competes for space with septic drainfield infiltration systems. There are physical limitations to the rates of infiltration and absorption based on soil types, which may make it impossible to have both of those facilities on the same site. Where development occurs in important aquifer recharge areas, special consideration is needed to preserve the volume of recharge available to the aquifer and to protect the ground water from contamination.

A key component of the water resources protection strategy contained in this Element is the establishment of an adequate monitoring system. The overriding theme, however, that runs through all of the policies and goals established in the water resource section is the preservation of water quality and water quantity.

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<sup>2</sup> *City of Bainbridge Island Level II Assessment: An Element of the Water Resources Study*, 2000, Kato & Warren, Inc., Robinson & Noble, Inc.

# GOALS AND POLICIES

## **GOAL 1 General Water Resources**

Protection of water resources is of primary importance to the Island. Therefore, the goal is to manage the water resources of Bainbridge Island for present and projected land uses, recognizing Island water resources are the sole water supply and that:

- Degradation of groundwater quality and quantity is not allowed.
- Water supplies and systems are efficiently utilized.
- The long-term sustainability of the Island's water resources is maintained.
- The water needs of new development approved under the Comprehensive Plan are adequately met.
- Adequate data of the water resource is available.

### **~~General Water Resource Policies~~**

#### **Policy WR 1.1**

The City shall coordinate with other major private water purveyors, government agencies and citizens to ensure protection and preservation of water resources and to provide efficient high quality Island-wide water service.

#### **Policy WR 1.2**

To foster sustainable water resources, planning, protection, management, monitoring and on-going education outreach that is based on watersheds and natural systems should be provided by the City in coordination with appropriate agencies.

## **GOAL WR-2 Groundwater Protection Policies**

#### **Policy WR 2.1**

To protect groundwater resources, areas identified as high aquifer recharge areas should be maintained in low impact uses.

**Discussion:** Low impact uses and low impact development are appropriate for areas with high aquifer recharge. Low impact uses includes development for buildings, roads or parking that has a reduced area of impact on the land. Low impact uses do not depend on regular applications of fertilizers or pesticides. Low impact development is an environmentally-friendly approach to site development and stormwater management, emphasizing the integration of site design and planning techniques that conserve and protect the natural systems and hydrologic functions of a site.

### **Policy WR 2.2**

To protect Island groundwater resources, the City shall encourage the development and expansion of public and private water systems, rather than encouraging shallow or individual residential wells.

### **Policy WR 2.3**

The City shall assess the impacts of proposed activities and development on the flow of springs and streams and levels of wetlands that are either sustained by groundwater discharge or contribute recharge to groundwater by requiring a hydrologic assessment report, and restricting the activities or development based on the report, and/or mitigating impacts.

### **Policy WR 2.4**

The City, in cooperation with the appropriate regulatory agencies (e.g., Washington State Department of Health and the Kitsap County Health District) should institute new wellhead protection procedures.

### **Policy WR 2.5**

For the purpose of protecting surface and groundwater quality, the City Parks Department and School District shall develop plans to eliminate the use of biocides on their properties through the use of integrated pest management techniques.

### **Policy WR 2.6**

The City shall promote the use of integrated pest management techniques and the reduction of pesticide and herbicide use within the City boundaries.

## **THIS GOAL MOVED TO UTILITIES ELEMENT**

### **~~Drinking Water Service Policies~~**

### **GOAL WR-3 Sanitary Sewer On-Site Systems**

**Ensure that sewage is collected, treated, and disposed of properly to prevent public health hazards and pollution of groundwater, and surface water, including waters of the Puget Sound, and to promote recharge of the waters of Puget Sound.**

### **~~Sanitary Sewer On-Site Systems Policies~~**

### **Policy WR 3.1 SSP 1.1**

Properly designed and maintained on-site wastewater disposal systems that are approved by the Kitsap County Health District or the State Department of Health are a long-range solution to sewage disposal in most areas of the Island. However, there may be areas of the Island determined by the Kitsap County Health District to be unsuitable for on-site wastewater disposal systems due to site conditions (such as steep slopes, geological or soil conditions, lot size, or proximity to sensitive bodies of water).

**Policy WR 3.2 SSP 1.2**

Regulations and procedures of the Washington State Department of Health and the Kitsap County Health District shall apply to all on-site disposal systems. The City shall work with these agencies to assure regular maintenance and repair of all sanitary sewer and on-site systems located on the Island.

**Policy WR 3.3 SSP 1.3**

Certification of adequate design and proper operation of septic systems shall be required prior to issuance of permits for remodeling of existing buildings.

**Policy WR 3.4 SSP 1.4**

Prior to issuance of a building permit, on-site drainfield and reserve areas should be identified and marked, and a protection plan should be approved for any building lot.

**Policy WR 3.5 SSP 1.5**

The City shall request notification of all waivers or variances of Kitsap County Health Department requirements, such as modification of setbacks, vertical separation, minimum lot size, reserve drainfield, etc., prior to issuance and subsequent modifications by the Health District of an approved Building Site Application.

**Policy WR 3.6 SSP 1.6**

Kitsap County Health District approved alternative systems, such as sand filters, aerobic treatment, composting toilets, living-systems, etc., should be encouraged for sites where conventional on-site systems are not suitable or feasible.

**Policy WR 3.7 SSP 1.7**

Regulations shall require coordination between the on-site septic and storm drainage disposal systems designs to ensure the proper functioning of both systems.

**Policy WR 3.8 SSP 1.8**

The City shall assist the Kitsap County Health District in developing a program to require proper maintenance of all on-site waste disposal systems in order to reduce public health hazards and pollution. This program shall include periodic system inspection and pumping when necessary.

**Policy WR 3.9 SSP 1.9**

The City and the Kitsap County Health District should work together on a collaborative program to fund and pursue grants or low-cost loans for low and moderate-income households to repair failed septic systems.

**Policy WR 3.10 SSP 1.10**

On-site waste disposal systems serving more than one household should be allowed only with assurance of proper design, operation, management and approval from the Health District.

**Policy WR 3.11 SSP 1.11**

The City may provide the service of operation and maintenance management for approved large on-site sanitary sewer systems (LOSS) or community sanitary sewer systems in coordination with the Kitsap County Health District.

**Policy WR 3.12 SSP 1.12**

The City should support the Kitsap County Health District in establishing a public education program to foster proper construction, operation, and maintenance of on-site septic systems.

**Policy WR 3.13 SSP 1.13**

The City should support the Kitsap County Health District in developing and maintaining an ongoing inventory of existing on-site disposal systems to provide needed information for future studies.

**THIS GOAL MOVED TO UTILITIES ELEMENT**  
**Public Sanitary Sewer Policies**

**THIS GOAL MOVED TO UTILITIES ELEMENT**  
**Stormwater Management and Protection**

**GOAL WR-4 Monitoring Policies**

**Policy WR 4.1 M-1.1**

~~The City should~~ Maintain ~~institute~~ a comprehensive program of water resource data gathering and analysis. ~~The~~ ~~Such~~ a program shall include geologic studies and monitoring of static water levels, water use, water quality, surface water flows, and acquisition of other data as necessary.

**Policy WR 4.2 M-1.2**

Periodic monitoring and reporting of water quality and quantity of public water systems<sup>3</sup> is required by the Kitsap County Health District. Single units shall be encouraged by the City to provide well data to the Kitsap Public Utility District and the Department of Health regarding water level recordings, quality degradation, etc.

**Policy WR 4.3 M-1.3**

~~The City should~~ Support the Kitsap County Health District in developing a program for proper maintenance of on-site waste disposal systems in order to reduce public health hazards and pollution. This program should include periodic system inspection and pumping when necessary.

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<sup>3</sup> A public water system is defined as a system with two or more hookups.

**Policy WR 4.4 M 1.4**

~~The City should~~ Support the Kitsap County Health District in developing and maintaining an ongoing inventory of existing on-site disposal systems to provide needed information for future studies.

**GOAL WR-5 Public Education POLICIES**

**Policy WR 5.1 PE 1.4**

The City, special districts, and water purveyors will develop and implement a comprehensive public education program in water resource management and protection. The program should address all aspects of water conservation and groundwater protection, including septic system maintenance, spill management and non-point pollution impacts from farm animal/agricultural activities, and homeowner maintenance practices.

**Policy WR 5.2 PE 1.2**

Water conservation should be aggressively pursued by the City to promote the efficient use of water and to protect the resource. Water conservation programs should encourage the use of vegetation that prevents soil erosion, protects habitat for wildlife, retains surface water for recharge, and which does not require additional water during normally dry months.

**Policy WR 5.3 PE 1.3**

Water re-use and reclamation will be encouraged to serve as a supplementary source for high-water users such as industry, parks, schools, and golf courses, as approved by the Washington State Department of Health.

**Policy WR 5.4 PE 1.4**

~~The City should~~ Develop a program that encourages homeowners to reduce impervious surface area and explore innovative methods for recapturing and reusing surface water runoff and grey water, as approved by the Washington State Department of Health and the Kitsap County Health District.

**Policy WR 5.5 PE 1.5**

~~The City should~~ Support the Kitsap County Health District in maintaining ~~establishing~~ a public education program to foster proper construction, operation, and maintenance of on-site septic systems.

**WATER RESOURCES ELEMENT  
EXISTING CONDITIONS AND FUTURE NEEDS**

**THIS SECTION TO BE UPDATED MARCH 2016**



CITY OF  
BAINBRIDGE ISLAND

***PLANNING & COMMUNITY DEVELOPMENT***

***MEMORANDUM***

TO: Planning Commission

FROM: Christy Carr, AICP  
Senior Planner

DATE: February 25, 2016

RE: Study Session on Shoreline Master Program Limited Amendment

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**I. INTRODUCTION**

The Shoreline Master Program (SMP) is available on the City's website in two formats:

- Entire SMP as passed by Ordinance 2014-04: <http://www.bainbridgewa.gov/DocumentCenter/View/3622>
- Codified version in BIMC 16.12 (regulations only): <http://www.codepublishing.com/WA/BainbridgeIsland/>

The City is undertaking the limited amendment in order to allow staff to do a better job of implementing the SMP regulations, ensure greater internal consistency and consistency with the Shoreline Management Act (SMA) and SMP guidelines. Proposed revisions that will be considered as part of the limited amendment address one or more of the following issues:

1. A **“clean-up”** limited amendment was anticipated by City staff, Planning Commission, City Council and the Department of Ecology (Ecology) within about a year of the adoption of the comprehensive update, which was effective at the end of July 2014. “Clean-up” amendments are common following a comprehensive update to address the minor errors and omissions not caught in the update process.
2. The **complexity** of the regulations has resulted in longer review time and confusion on the part of staff and general public. Most shoreline exemptions are taking 10-12 weeks to process. The complexity and lack of clarity has also required regulatory guidance for staff, which has taken the form of “regulatory guidance memos” as placeholders until a limited amendment can be processed.
3. The document needs to be **simplified** and more user friendly for both staff and the general public.
4. Clarification is needed as to the **applicability of regulations**; that is, what “triggers” the need to comply with specific regulations under what scenario(s)?

5. Regulations related to alteration and maintenance (of both structures and vegetation) within the shoreline buffer need to be **consolidated** – they are currently scattered throughout several sections.
6. An **appeal** was filed with the Growth Management Hearings Board (GMHB) by a property rights group called PRSM. PRSM’s appeal was dismissed; however, the Board’s decision stated more than once that the regulatory language in the City’s SMP could be clearer and better written in some places. PRSM subsequently filed a petition for review with Kitsap County Superior Court, and a trial date is set for October 6th. Staff anticipates that many issues raised in the petition can be resolved through a limited amendment.

## II. SCOPE OF LIMITED AMENDMENT

A limited amendment is not a comprehensive update or a periodic review. State statute (WAC 173-26-201(1)) establishes approval criteria for limited amendments and each proposed revision must provide a rationale or justification for the change. This isn’t a “do over” of the update process – it is truly a LIMITED amendment. [The process for the limited amendment is described in the staff memo pertaining to the aquaculture limited amendment and not repeated here.]

## III. FRAMEWORK FOR LIMITED AMENDMENT PROCESS

The limited amendment will take the form of text and mapping revisions to the SMP in a form that can replace or be easily incorporated within the existing document. Amended text will be presented to the Planning Commission in strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. To provide context, and meet Ecology requirements, the proposed revisions will be accompanied by a narrative that provides the rationale for each change.

**Staff will refer to the policies and regulations according to the numbering system in the SMP itself, not the codified regulations.**

Staff proposes the Planning Commission review proposed revisions to the SMP within the following topic areas, but not necessarily in this order:

- **Consolidate and simplify regulations related to shoreline buffer:** The 1996 SMP referred to a “native vegetation zone.” This term was replaced in the 2014 SMP with a two-zone (Zone 1 and Zone 2) shoreline buffer. The lion’s share of SMP regulations address structures and vegetation within the shoreline buffer. Two sections – Section 4.1.2.5 (Regulations – Revegetation Standards) and Section 4.1.3 – Vegetation Management – contain similar and sometimes conflicting regulations about vegetation in the shoreline buffer. These two sections need to be consolidated and simplified to improve consistency and ease of use and eliminate unintended consequences of conflicting code.
- **Vegetation Alteration and Maintenance:** Revisions are needed to clarify when revegetation standards apply, what is allowed without City review (e.g.; landscape maintenance), the differences between vegetation within and outside the shoreline buffer, and what (if any) regulations apply to pruning/thinning/limbing of existing vegetation for general and/or view maintenance. Regulations related to significant tree and hazard tree removal need to be clarified.
- **Alterations to Existing Structures:** Revisions are needed to clarify when regulations apply and what type of alteration (repair? reconstruction?) “triggers” the need to comply with provisions of the SMP. There is internal conflict between general regulations related to existing structures and regulations related to specific structures (e.g.; accessory residential structures). The threshold for expansion within the shoreline buffer (25 percent) penalizes existing, small-scale structures.
- **Mitigation Requirements:** The Shoreline Single Family Residence Mitigation Manual needs to be revisited to provide consistency between the manual and the regulatory text, provide additional

mitigation options for new impervious surface area and provide minimum standards for mitigation planting plans.

- **Geologically Hazardous Areas:** The geologically hazardous areas section of the SMP (Section 4.1.5.8) includes several modifications to the City's critical areas ordinance (BIMC 16.20.150). Due to poor statutory construction and grammatical errors, revisions are needed to clarify allowed vs. prohibited development, factor of safety provisions, new construction vs. alteration, vegetation alteration, Bluff Management Plan requirement and rebuilding after damage/destruction.
- **General Clean-up:** As noted above, a "clean-up" amendment was anticipated to address minor errors and omissions from the comprehensive update process. These include missing definitions, mis-numbering, missing/wrong references, grammatical errors, "cut and paste" errors and better integration of the critical areas regulations (Appendix B). **Staff recommends this be done last to capture general text edits of all proposed revisions.**
- **Other:** Staff has identified a number of other items that fall outside of the general categories above. These include: clarifying shoreline structure view setback requirements, "most restrictive" clause (Section 4.0.1.7), repair of bulkheads (only up to 50% permitted within 5 years), when encumbered lot provisions apply (Section 4.2.17), and others.
- **Permit Assistance:** Staff anticipates developing permit assistance materials for shoreline homeowners and permit applicants. These will include topics such as how to determine your shoreline buffer; what can you do in your yard (vegetation maintenance); when you need a permit and what type; and guidance for planting plans, mitigation plans and monitoring plans.

**Planning Commission Action:** The Commission should ask questions of staff about the information presented. The Commission should provide input to staff on the proposed framework for review of the limited amendment.

#### IV. NEXT STEPS

Staff is developing text amendments in strikeout/underline format and a summary and narrative of proposed changes and will complete other submittal requirements for the limited amendment as the process proceeds.

Commission members should read the current SMP regulations in anticipation of reviewing proposed changes. Particular sections of focus include:

- Section 4.1.2
- Section 4.1.3
- Section 4.1.5.8 and Appendix B-9
- Section 4.2.1
- Shoreline Single Family Residence Mitigation Manual

The Planning Commission will begin to review proposed revisions at its March 10, 2016 meeting.



CITY OF  
BAINBRIDGE ISLAND

***PLANNING & COMMUNITY DEVELOPMENT***

***MEMORANDUM***

TO: Planning Commission

FROM: Christy Carr, AICP  
Senior Planner

DATE: February 25, 2016

RE: Study Session on Shoreline Master Program Limited Amendment – Aquaculture

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**I. INTRODUCTION**

Tonight’s study session will introduce the Shoreline Master Program (SMP) limited amendment pertaining to aquaculture provisions. The limited amendment proposes revisions to both policies and regulations of SMP Section 5.2, Aquaculture.

The City is pursuing a limited amendment pertaining to its aquaculture policies and regulations for three reasons:

1. The City’s aquaculture regulations are currently under appeal before the Growth Management Hearings Board (Case Number 14-3-0011). The appeal was filed by Bainbridge Alliance for Puget Sound, et al. in October 2014. The appeal challenges the Department of Ecology’s (Ecology) required changes relating to aquaculture which were “forced” on the City prior to its approval of the SMP comprehensive update in July 2014; specifically, that aquaculture be allowed on 100 percent of the City’s shorelines below the ordinary high water mark (OHWM);
2. The Department of Ecology identified a conflict between the use table (Table 4-1) and regulatory text (SMP Section 5.4.2.1) with regard to which shoreline designations aquaculture may be allowed. Ecology requested that the City correct the error and suggested that it could be incorporated into a broader limited amendment that could also be responsive to specific local concerns and address some or all of the issues before the Growth Management Hearings Board; and
3. Staff received direction from City Council to revise the aquaculture regulations to (a) correct the error identified by Ecology, (b) better reflect local concerns and (c) address the concerns of the appellants to the extent possible.

## **II. BACKGROUND**

The City's SMP was approved by Ecology on July 16, 2014 and became effective on July 30, 2014. The current SMP aquaculture regulations are attached for your review.

As noted above, the aquaculture regulations are currently under appeal before the Growth Management Hearings Board (GMHB), filed in October, 2014. A Motion to Intervene was filed on behalf of Pacific Coast Shellfish Growers Association in November, 2014. The parties – the appellant, intervener, City and Ecology – agreed to enter into settlement discussions. Six settlement extensions have been filed with the GMHB between January, 2015 and February, 2016 to allow time for settlement discussions. The parties last met on Friday, February 19, 2015 to discuss the City's latest draft of revised aquaculture provisions.

While the City is committed to continuing settlement discussions, staff received direction from the City Council to move forward a limited amendment whether or not it resolves all of the issues presented in the GMHB appeal. However, by way of participating in the settlement discussions, it is anticipated that many of the issues in the appeal will be resolved through the limited amendment.

## **III. LIMITED MASTER PROGRAM AMENDMENT PROCESS**

WAC 173-26-020(24)(c) provides: "Limited master program amendment means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update."

WAC 173-26-201(1) establishes approval criteria for limited shoreline master program amendments. The amendment must be necessary to address at least one of the following:

- Comply with state and federal laws and implementing rules applicable to shorelines of the state within the local government jurisdiction;
- Include a newly annexed shoreline of the state within the local government jurisdiction;
- Address the results of the periodic master program review required by RCW [90.58.080\(4\)](#), following a comprehensive master program update;
- Improve consistency with the act's goals and policies and its implementing rules; or
- Correct errors or omissions.

The limited amendment must be locally processed and approved then submitted to Ecology for additional public process and review for consistency with the Shoreline Management Act (SMA) and associated guidelines. The submittal to Ecology must include:

- Documentation of local adoption
- Text amendments
- A summary of proposed amendments along with a narrative indicating the scope and intent, supported by staff reports, records of hearings, etc.
- Evidence of compliance with SEPA
- Evidence of compliance with the public noticing and consultation requirements
- Copy of comments received
- Master program submittal checklist

Ecology will review the submittal, followed by a public comment period. Ecology will then make written findings and conclusions, provide a response to issues identified during the state public process and either approve the proposal as submitted, recommend specific changes necessary to make the proposal consistent with the SMA and applicable guidelines, or deny the proposal.

Ecology has provided a number of initial comments on the City's proposed revisions to the aquaculture regulations through settlement discussions associated with the GMHB appeal. As such, the City has a good understanding of Ecology's preliminary response to the proposed revisions and anticipates addressing them prior to submittal of the limited amendment.

***Planning Commission Action:*** The Commission should ask questions of staff about the information presented.

#### **IV. NEXT STEPS**

Staff is continuing to develop text amendments in strikeout/underline format and a summary and narrative of proposed changes and will complete other submittal requirements (listed above) as the process proceeds.

Commission members should read the current aquaculture regulations (attached) in anticipation of reviewing proposed changes. The Planning Commission will review the proposed aquaculture revisions at its March 24, 2016 meeting.

#### **ATTACHMENTS**

2014 SMP Section 5.2 (Aquaculture)

## 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; 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 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).