

## RESOLUTION NO. 2019-05

**A RESOLUTION** of the City of Bainbridge Island, Washington, approving a draft Shoreline Master Plan amendment relating to critical areas regulations and nonconforming structures, uses, and lots and directing staff to submit the draft to the Department of Ecology for initial state review pursuant to WAC 173-26-104.

**WHEREAS**, the Washington Shoreline Management Act (Chapter 90.58 RCW), referred to herein as the “SMA”), recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local governments must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

**WHEREAS**, pursuant to the SMA, the City of Bainbridge Island (“City”) adopted a comprehensive update to its Shoreline Master Program (Ordinance No. 2014-04) in 2014; and

**WHEREAS**, WAC 173-26-090(1) directs local governments to review their shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information, or improved data; and

**WHEREAS**, the SMA and Chapter 173-26 WAC require that the City prepare and adopt amendments to the City’s Shoreline Master Program that are based on state laws and rules set forth in Chapter 173-26 WAC; and

**WHEREAS**, RCW 36.70A.480(4) requires that shoreline master programs provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources; and

**WHEREAS**, on February 27, 2018, the City updated its Critical Areas Ordinance (“CAO”) (Ordinance 2018-01); and

**WHEREAS**, the City desires to integrate the updated critical areas regulations into its Shoreline Master Program; and

**WHEREAS**, the City’s updated critical areas regulations cannot be integrated into its Shoreline Master Program without an amendment; and

**WHEREAS**, at its October 12 and November 16, 2017, April 26, and August 30, 2018 meetings, the Planning Commission reviewed draft amendments to the Shoreline Master Program related to critical areas; and

**WHEREAS**, at its January 11, February 8, March 8 and 29, April 12 and 19, and August 30, 2018 meetings, the Planning Commission reviewed draft amendments to the Shoreline Master Program related to nonconforming structures, uses, and lots; and

**WHEREAS**, the City elected to use the optional joint review process for amending shoreline master programs pursuant to WAC 173-26-104; and

**WHEREAS**, the City and the Department of Ecology provided a 30-day formal comment period on a draft amendment related to critical areas regulations between May 8 and June 9, 2018, including a joint local/state public hearing on May 24, 2018 to consider the draft amendment; and

**WHEREAS**, the joint local/state public hearing on May 24, 2018 was continued to June 7, 2018; and

**WHEREAS**, at its June 7, 2018 meeting, the Planning Commission recommended that the draft amendment not be forwarded to the Department of Ecology until proposed revisions related to nonconforming structures, uses, and lots were included; and

**WHEREAS**, at its July 24, 2018 meeting, the City Council directed staff to include nonconforming structures, uses, and lots in the draft amendment and schedule a public hearing on the amendment on September 11, 2018; and

**WHEREAS**, the City and the Department of Ecology provided a 30-day formal comment period on a draft amendment related to critical areas regulations and nonconforming structures, uses, and lots between September 10 and October 10, 2018, including a joint local/state public hearing on September 11, 2018 to consider the draft amendment; and

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

**WHEREAS**, a Determination of Non-Significance consistent with the State Environmental Policy Act (Chapter 43.21C RCW) was published, and no person filed an appeal; and

**WHEREAS**, at its October 2, 9, and 16, November 27, and December 11, 2018 and January 8, 2019 meetings, the City Council considered and deliberated about the draft amendment, including related to the public comment that was submitted regarding the amendment.

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

Section 1. The City's draft Shoreline Master Program amendment is hereby approved as shown on the attached **Exhibit A**, which is hereby incorporated into this resolution as if set forth in full.

Section 2. The Director of Planning and Community Development is authorized to submit the draft Shoreline Master Program amendment and all supporting documentation required to accompany the Shoreline Master Program amendment to the Washington State Department of Ecology for initial review in accordance with WAC 173-26-104.

PASSED by the City Council this 8th day of January, 2019.

APPROVED by the Mayor this 8th day of January, 2019.

  
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Kol Medina, Mayor

ATTEST/AUTHENTICATE:

  
Christine Brown, CMC, City Clerk

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| FILED WITH THE CITY CLERK:  | January 4, 2019 |
| PASSED BY THE CITY COUNCIL: | January 8, 2019 |
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Exhibit A: Draft Shoreline Master Program Amendment