



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

February 12, 2019



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Contact Information for SMP Periodic Review

- To submit **written comments**:

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- To submit questions or comments over the **phone**:

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- To sign-up for **Notify Me**:

<http://www.bainbridgewa.gov/list.aspx>

- To sign-up for the **City Manager's Report**:

<http://www.bainbridgewa.gov/500/City-Managers-Report>

- To discuss **alternative outreach ideas**:

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Introduction

The City of Bainbridge Island (City) is conducting the periodic review of its Shoreline Master Program (SMP). The Shoreline Management Act (SMA) requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The City's periodic review is due to be complete on or before June 30, 2020.

The City is using the optional joint state/local review process in partnership with the Department of Ecology (see, e.g., WAC 173-26-104). This joint review process means that the state and city public comment period, which includes at least one public hearing, will run concurrently. The review process also includes initial review and final approval by the Department of Ecology. The SMA requires that local governments provide a full opportunity for involvement in both the development and implementation of their SMPs (see, e.g., WAC 173-26-201(3)(b)). In other words, the periodic review requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process. This Public Participation Program outlines the scope and timing of the amendment process and describes opportunities for public participation throughout.

Goals

Overall goals of this Public Participation Program are to:

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

Scope of Periodic Review

The required minimum scope of review as established by the SMA is:

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

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

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

The City's periodic review will meet minimum requirements with a focus on amendments to (a) improve implementation effectiveness and (b) better reflect new information and improved data related to specific topics such as climate change adaptation and aquaculture. The scope of the periodic review is outlined in the proposed work plan included in this document.

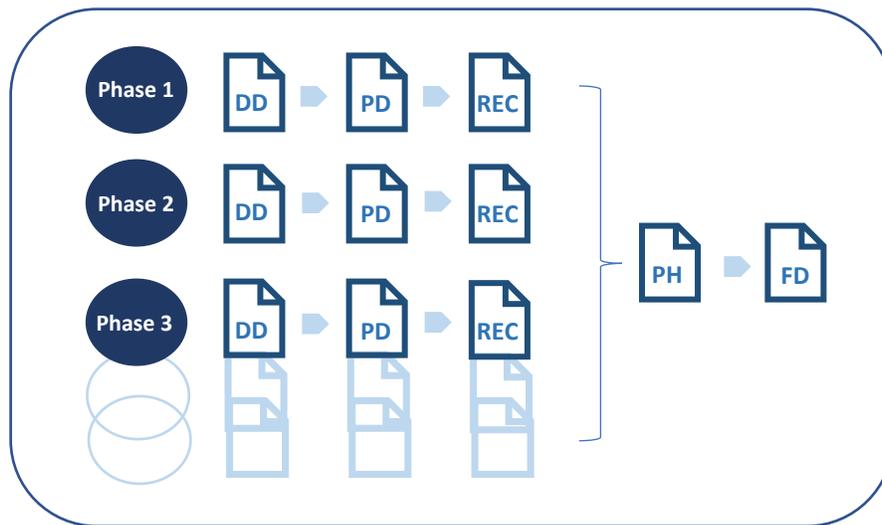
Phased Approach

The City recognizes that some parts of the SMP are important and interesting to some people, while other parts are important and interesting to others. The City also understands that people may be interested in participating in a particular phase (e.g., early discussions vs. final draft), rather than the entire process. In order for the work plan and review process to be more accessible – that is, broken down into identifiable, manageable pieces – the City is proposing the Planning Commission use a phased approach, both in terms of review documents and review topics.

Phased Approach – Review Documents

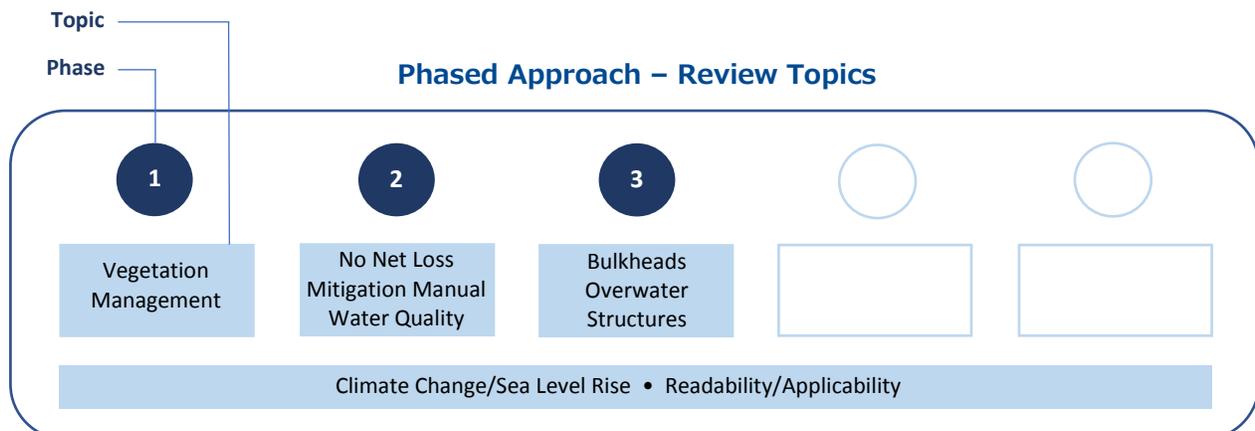
Each phase will include one topic, or a group of related topics, and will be reviewed in a series of draft documents: discussion draft (**DD**), proposed draft (**PD**), and recommended draft (**REC**). The recommended drafts from each phase will be consolidated into a public hearing draft (**PH**). The public hearing draft will be updated based on public comment, then forwarded to the Department of Ecology for its initial review as a final draft (**FD**).

Phased Approach – Review Documents



Phased Approach – Review Topics

Each phase of the periodic review will include one topic, or a group of related topics. In addition, issues that span all topics will be addressed in every phase. The anticipated sequence of review topics is shown below. Topics for future phases will be decided once the review is underway, based on the work plan.



Anticipated Timeline

The City anticipates the periodic review will follow the general timeline below. Each phase, as discussed above, will have a distinct review period. Specific meeting and public hearing dates will be made available in accordance with state and local requirements and best practices.

MAR – AUG 2019	SEPT 2019	OCT – DEC 2019	JAN – MAR 2020	APR – MAY 2019	JUNE 2020
Planning Commission Review		Ecology submittal and review		Ecology review and approval	
	30-day public comment period with public hearing		City Council Review		Periodic Review complete

Opportunities for Public Participation

The City is committed to providing multiple opportunities for the public to engage in the SMP periodic review process. Most meetings will be hosted by the Planning Commission or the City Council. In-person public participation opportunities include:

Planning Commission Meetings

The Commission will discuss and consider amendments to the SMP at regularly scheduled meetings and hold at least one public hearing. As described earlier, the Planning Commission will use a phased approach for review. The public hearing will be a joint public hearing with the Department of Ecology during the required 30-day public comment period. The Commissioners will consider public input to craft draft revisions to the SMP. After completing their review, the Planning Commission's recommended draft amendments will be submitted to the Department of Ecology for the state's initial determination of consistency with the SMA.

Planning Commission meetings are held on the second and fourth Thursday of the month from 7:00 to 9:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day, as needed. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is usually published on the City's website on the Friday prior to the meeting: <https://www.bainbridgewa.gov/AgendaCenter>.

Joint Local/State Public Comment Period and Public Hearing

The periodic review process requires a 30-day public comment period during which at least one public hearing must be held. Pursuant to the joint review process, the City will hold at least one joint public hearing with the Department of Ecology. The public hearing will be held at a Planning Commission meeting and be advertised, including via the City's website and in the local newspaper 10 days prior to the hearing. The public comment period provides opportunity for written comment and in-person testimony at the public hearing.

City Council Meetings

Staff will present the Department of Ecology's initial determination to the City Council. The City Council will discuss and consider amendments to the SMP at regularly scheduled City Council meetings and may choose to hold a public hearing. [Note: Only one public hearing is required. The required public hearing will be held by the Planning Commission.] At the end of its review process, the City Council must take legislative action declaring the review process complete. It is anticipated that the City Council will adopt an ordinance approving the amendments proposed during the periodic review and authorizing staff to forward the periodic review to the Department of Ecology for state approval.

City Council meetings are held the first through fourth Tuesdays of each month, beginning at 6:00 pm at City Hall in the Council Chamber. Special meetings may be held at an earlier time or on a different day. Public comment is accepted at all City Council Business Meetings, which are held on the second and fourth Tuesdays of each month. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting:
<https://www.bainbridgewa.gov/1101/City-Council-Agendas> .

How to Get and Stay Involved

The City will use several modes of communication to inform the public and encourage participation, including:

- **Sign up on [Notify Me](#):** Members of the public can sign up to receive email or text notifications about public meetings and other aspects of the SMP amendment.
- **Comment:** Members of the public can comment in-person to the Planning Commission, City Council or Staff, or by written comment submitted to the City by letter or email. All comments will be documented, retained, and available for public review.
- **Website:** The City maintains a [project page](#) on its website with updates, important dates, background materials, and draft documents.
- **Invite:** Members of the public can request City staff to give a presentation and take Q&A on the SMP periodic review to community groups or any public forum.

Outreach Methods and Tools

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

In-Person Outreach Methods

- In-person presentations at group meetings, e.g., Bainbridge Island Watershed Council, realtor groups

Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters

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

Technology and Social media

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

Potential Groups for Outreach

City staff will initiate contact and communicate about the SMP periodic review process with the following potential groups for outreach. Staff anticipates developing an email listserv to maintain communication with these groups.

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

Work Plan

The work plan includes items that have been identified by staff, project applicants, and others as the most in need of review and revision. The work plan is presented in two formats: (a) a list of guiding themes under which most, if not all, of the anticipated revisions can fit, and (b) a detailed list of specific language or sections of the SMP that need to be revised. The detailed work plan assigns each proposed topic to consider to one or more of these guiding themes.

1. Vegetation management – Existing landscaping (“established yard”): Staff, shoreline property owners, and vegetation maintenance providers continue to struggle with what can or cannot be done in terms of existing landscaping. There are endless variations on what shoreline property owners may consider their “yard” and what constitutes “normal or routine maintenance” or “ongoing maintenance.” Clarity is needed as to if/when/which vegetation management provisions apply to existing landscaping.

2. Vegetation management – other: A number of vegetation management regulations need to be simplified and clarified, and with that, some policy direction is needed. Examples include: removal of significant trees, “1/3-2/3” provision where a structure is allowed to encroach into up to 1/3 of Zone 2 of the shoreline buffer with the remaining 2/3 of Zone 2 (and all of Zone 1) planted with native vegetation.

3. Consistency with no net loss standard: The current conditions of the shorelines, including existing development, are the starting point or baseline for determining no net loss. Regulations and provisions need to be reviewed for consistency with the no net loss standard. For example, do any vegetation management regulations result in “restoration” vs. “mitigation” for identified impacts? Examples of means to achieve the no net loss standard would also be helpful for project applicants and qualified professionals completing site specific impact analysis reports to clarify the concept of no net loss.

4. Integration of other codes/policies (stormwater, climate change): The City’s stormwater regulations have been updated since the SMP update (Chapter 15.20 BIMC). These should be integrated. A direct discharge criteria should be considered and consistency with the Single-Family Mitigation Manual can be improved. The Planning Commission may consider incorporating sea level rise and climate change adaptation.

5. Specific regulations or performance standards: While staff does not recommend any changes to current thresholds or performance standards, the Planning Commission may review and consider revisions to specific regulations. Any revisions would likely trigger the need to review and update background documents (e.g., Cumulative Impacts Analysis). Examples include:

- a. Limits/requirements on bulkhead repair/replacement (SMP Section 6.2)
- b. Prohibition of docks (SMP Section 6.3)
- c. Buffer widths (SMP Section 4.1.3; Table 4-3)
- d. Limit on liveboards (SMP Section 5.3)
- e. New construction limit lines for Manzanita and Fletcher Bays (Special Area Maps)

6. Mitigation manual: The mitigation manual needs to be updated to reflect current standards of other agencies (e.g., U.S. Army Corps of Engineers), provide alternatives for impervious surface impacts, and improve consistency/integration with the text of the SMP.

7. Applicability: The applicability of the SMP in general needs to be clarified. The use of terms such as “development, use or activity,” “human activity,” “whether it requires a permit or not,” among others, is confusing. Complexity and redundancy could be reduced by eliminating the applicability subsection in every section of the SMP.

8. Readability: Shorten document, improve clarity, simplify and reduce complexity; correct errors and omissions

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
4.1.5	Critical Areas	<ul style="list-style-type: none"> Consistency audit with SMP amendment 	4,8
4.2.1	Existing Development (Nonconforming)	<ul style="list-style-type: none"> Consistency audit with SMP amendment 	3,7,8
4.0	Table 4-1 Table 4-2 Table 4-3	<p>Table 4-1 (Use and Modification Table)</p> <ul style="list-style-type: none"> Clarify footnotes (revisit #22 re: mixed use physical separation) Correct inconsistencies between table and text (e.g., subdivisions) Revisit requirement for shoreline conditional use permit for all retaining walls Clarify primary vs. accessory utilities Clarify allowance of overwater structures when used as public trails <p>Table 4-2 (Dimensional Standards)</p> <ul style="list-style-type: none"> Address missing footnotes (#5 and 7) Clarify utilities setbacks <p>Table 4-3 (Buffers)</p> <ul style="list-style-type: none"> Revise for improved readability and ease of administration Clarify when “expands to include existing native vegetation applies” Clarify that all shallow lots (<200 feet deep) are assigned narrower buffer Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff) Clarify criteria for Category A and B lots Add figure reference and reference to Section 4.1.3 Clarify what geomorphic classes are or where information about them is located No change in required buffer widths is anticipated 	8
4.1.2	Environmental Impacts	<ul style="list-style-type: none"> Clarify that mitigation follows a sequence/”when mitigation is required” language – if an impact cannot be avoided, mitigation is required Simplify and clarify applicability section, clarify “development, use, activity” Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards) Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used Delete references that don’t exist Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7) Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for > \$1000) for performance, mitigation/monitoring 	3,6,7,8

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SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> • Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual • Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit 	
4.1.3	Vegetation Management	<ul style="list-style-type: none"> • Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 <ul style="list-style-type: none"> ○ SMP 4.1.2.5.1 – Revegetation Standards – improve clarity ○ SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? ○ SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1 • Clarify applicability section, non-retroactive nature of regulations • Clarify which requirements apply to new development vs. existing development • SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation) • SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don’t exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7) • Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria) • Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees) • SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only? • SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities • SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored • SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated • SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated • SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan 	1,2,3,5,6,7,8

SMP Section	Topic	Summary of Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point” 	
4.1.4	Land Modification	<ul style="list-style-type: none"> Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds) Clarify language, better integrate with other sections 	7,8
4.1.6	Water Quality and Stormwater Management	<ul style="list-style-type: none"> Integrate new (2016) stormwater regulations (BIMC 15.20) Add direct discharge criteria (i.e., when is one allowed? Considered necessary?) Update wood treatment regulations per agency guidelines Improve consistency with Single-Family Mitigation Manual 	4,8
Appendix D	Single-Family Mitigation Manual	<ul style="list-style-type: none"> Better integrate into code language – when it can be used and how it relates to vegetation management requirements Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer) Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW) 	2,3,4,6,7,8
5.3	Boating Facilities	<ul style="list-style-type: none"> Revisit liveaboard threshold (currently 10 percent) Revisit management and operations (implementation) 	6,8
6.3	Overwater Structures	<ul style="list-style-type: none"> Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements Clarify grammar in prohibitions section Clarify length thresholds (how to determine) Clarify buoy density 	5,6,7,8
8.0	Definitions	<ul style="list-style-type: none"> Add missing definitions (e.g., significant tree, alteration, redevelopment) Clarify definitions 	8
Appendix A	Shoreline Designation Map	<ul style="list-style-type: none"> Correct inconsistencies between paper and GIS maps (one identified) Correct error (one identified) No changes to shoreline designations anticipated other than corrections 	8
Appendix E	Special Area Maps	<ul style="list-style-type: none"> Include corrected maps Consider construction limit lines for Manzanita Bay and Fletcher Bay 	5,8
All	Global edits	<ul style="list-style-type: none"> Clerical and implementation efficiency edits anticipated in every section 	8
--	Climate Change/Sea Level Rise	<ul style="list-style-type: none"> Incorporate climate adaptation/sea level rise into goals, policies and regulations. 	4
5.2	Aquaculture	<ul style="list-style-type: none"> Pending outcome of current limited amendment. 	5,8