



City of Bainbridge Island
PLANNING DEPARTMENT

MEMORANDUM

TO: City Councilmembers
Lee Walton, Interim City Manager
Stan McNutt, Interim Deputy City Manager

FROM: Meghan McKnight, Code Enforcement Officer
Josh Machen, Senior Planner
Tami Allen, Harbormaster

DATE: February 8, 2010

RE: Update on Programmatic Buoy Process

PROGRAMMATIC BUOY PERMIT UPDATE

The City has applied for and continues work on a Programmatic Buoy Shoreline Substantial Development Permit (SSDP15435) which will enable the Planning Department to institute a streamlined application and review process for mooring buoy placement. The proposed process will **not** establish new policies, change existing regulations, or create new permitting requirements for buoys. It **will** create a programmatic administrative process which will save citizens time and money and allow City staff to more effectively manage shoreline resources.

PROGRAMMATIC BUOY PERMIT REVISIONS

On January 14, 2010 the Harbormaster submitted additional materials for inclusion in the permit application which are now under staff review and are available to the public. These include:

- A sample programmatic buoy application,
- A cross-sectional worksheet for applicants to use in describing buoys in applications under the programmatic program, and
- A sample site plan and maintenance affidavit for applicant reference.

FUTURE APPLICATION PROCESS

If the SSDP is approved, the programmatic buoy application will be available for Bainbridge Island residents who wish to install a new buoy, and those who wish to receive an after-the-fact review for an existing buoy. The above referenced forms will be available for the public to use in their application. A permit fee will be set by the City Council, currently proposed in

Resolution 2010-09 at \$450.00 which is on the City Council agenda for February 10, 2010. City staff will be available to assist applicants through individual permit intake appointments.

If the City does not implement the programmatic buoy application process, owners will be required to seek a substantial development permit (\$6,869.00) or a statement of exemption (\$1,908.00) for any new or previously unpermitted buoys in accordance with the Shoreline Master Program (SMP) adopted in Chapter 16.12 of the Bainbridge Island Municipal Code (BIMC).

LEGALLY NONCONFORMING

Once a decision is made on the Programmatic Permit, the City will implement an application form and process for buoys legally placed prior to 1996. The application will include a form and require documentation of the existence of the buoy, but no fee will be charged. Acceptable documentation would include pictures with dates or recognizable structures, receipts, buoy markings and GPS coordinates, affidavits, etc. Once the City reviews the documentation and historic records, if the buoy is found to be legally existing nonconforming, the City will issue a letter confirming the buoy's status. This process is only available to buoys that were legally placed prior to the adoption of the Shoreline Master Program in 1996.

ENFORCEMENT

The City's current Shoreline Master Program (SMP), adopted in Chapter 16.12 of the Bainbridge Island Municipal Code (BIMC), regulates shoreline development within the waters of Bainbridge Island. The SMP was the subject of an extensive citizen participation process that included multiple opportunities for public input prior to its adoption in 1996. Under the SMP, residents interested in installing buoys are currently required to obtain a statement of exemption or a Shoreline Substantial Development Permit (SSDP).

In 2001, the City completed an inventory of shoreline structures which documented 534 buoys around the island. At that time, City records showed that only a few permits had been issued since 1996. This, together with anecdotal information from residents, indicated that many buoys installed after November 1996 (the adoption of the SMP) had been placed without the required substantial development permit or statement of exemption. The City is aware that even more buoys have been placed without the required substantial development permit or statement of exemption since 2001 when the inventory was completed.

Once a decision is made on the Programmatic Permit, City staff will place notifications on all existing buoys that do not have a shoreline substantial development permit or statement of exemption on file. The notification will inform the buoy owner that failure to obtain the appropriate authorization either through the programmatic review process (if it is approved), a shoreline substantial development permit or a statement of exemption, will result in penalties and removal of the buoy. The City has waited to perform enforcement of the existing regulations

adopted in BIMC Chapter 16.12 recognizing that the Programmatic Permit could change the process through which mooring buoys may be reviewed.

PUBLIC COMMENT

The City welcomes additional comments on the Programmatic Buoy Shoreline Substantial Development Permit, SSDP15435, and the recent revisions, which will make up the application to be used by citizens applying under the programmatic process if it is approved. The SSDP file is available for review at the Planning & Community Development counter during open counter hours:

- Monday, Tuesday and Friday from 8:00 a.m. to 4:00 p.m.
- Wednesday and Thursday from 8:00 a.m. to 12:00 p.m.

Comments should be addressed in writing to:

Josh Machen, Senior Planner, at 280 Madison Avenue North, Bainbridge Island or jmachen@ci.bainbridge-isl.wa.us.

The review of the application, with the revisions, is not expected to be completed before February 26, 2010, and any comments submitted prior to that date will be taken into consideration in the review.

MORE INFORMATION

More information on frequently asked questions regarding the Programmatic Buoy Application is available on the City's website at http://www.ci.bainbridge-isl.wa.us/planning_community_development.aspx. For updates on the permit, join the programmatic buoy listserv by going to www.ci.bainbridge-isl.wa.us, scrolling down to "Sign up for ListServ updates" on the left side of the home page, and following the directions.