



CITY OF BAINBRIDGE ISLAND

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Critical Areas Revisions to Address Marine Habitat

BAINBRIDGE ISLAND, July 31, 2008 – Today the Washington Supreme Court ruled in a split 5-4 decision that the Growth Management Act does not apply to shoreline critical areas that are within the jurisdiction of the Shoreline Management Act. The jurisdiction of the SMA includes Puget Sound and 200' upland from the ordinary high water mark of Puget Sound. The court stated: "Critical areas within the jurisdiction of the SMA are governed only by the SMA."

The court ruling directly affects the processing of the City of Bainbridge Island's draft Ordinance No. 2008-12, which is intended to provide protection for marine critical areas under the City's Critical Areas Ordinance. The ordinance was being considered in part due to a petition filed by the Suquamish Tribe with the Central Puget Sound Growth Management Board, which challenged the validity of the City's 2005 Critical Areas Ordinance update on the basis that the ordinance failed to adequately protect marine critical areas.

On Tuesday, August 5, at 1:00 p.m, the administration will meet with the City Council Land Use Committee to discuss Ordinance No. 2008-12 and develop a recommendation to the Council as to how the City should address protection of these vitally important shoreline resources. The administration will recommend that continued consideration of Ordinance No. 2008-12 be suspended and the issues be rolled into and addressed during the City's Shoreline Master Program Update process (which must be completed by December 2011).

Deputy Planning Director, Christopher Wierzbicki, said "We're looking forward to building upon the positive discussions that took place at last night's public hearing. In light of the court ruling, we will continue this community dialog regarding shoreline management, and hope that all those who care about these important issues will stay involved as we update our Shoreline Master Program."

The Supreme Court majority opinion is available online at:
<http://www.courts.wa.gov/opinions/pdf/803960.opn.pdf>

The Supreme Court minority opinion is available online at:
<http://www.courts.wa.gov/opinions/pdf/803960.no1.pdf>

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