

ITEMS DISCUSSED

1. CALL TO ORDER

- AGENDA REVIEW
- MEETING MINUTES
- PUBLIC COMMENT

2. INTRODUCTION TO THE SHORELINE MASTER PLAN UPDATE

3. NEW BUSINESS

4. OLD BUSINESS

5. ADJOURN

1. CALL TO ORDER

The regular meeting of the Bainbridge Island Planning Commission was called to order at 7:00 p.m. The following Planning Commissioners were present: Charles Averill, Michael Lewars, Don Fisher, Martin Minkoff, Martha Droge, and Michael Wangen. Planning Director Kathy Cook and Planning Manager Libby Hudson provided technical support.

There were no changes to the agenda. Planning Director Cook informed the Planning Commission Diane Sawyer has resigned after twelve years of supporting the Commission. Administrative Secretary Theresa Rice will be providing support for the interim.

Commissioner Fisher moved to approve the minutes of December 10, 2009. Commissioner Droge seconded the motion, which was then unanimously approved.

There was no public comment.

2. INTRODUCTION TO THE SHORELINE MASTER PLAN UPDATE

When Commissioner Fisher asked about the state's extension of the deadline for the update, Planning Manager Hudson replied that the state is proposing legislation to delay the required Comprehensive Plan updates for local jurisdictions because the grants for the update have been rescinded. Similar legislative extensions for the update of local Shoreline Master Plans have not been proposed by the state. Director Cook added that we are currently required to complete the update by 2011 but an extension is possible.

Commissioners Minkoff, Lewars, and Fisher disclosed that they are shoreline property owners. Chair Averill thanked the Commissioners for their disclosure, noting that such disclosure is not necessary for a legislative process.

Commissioner Lewars told staff that the Guidelines were not clear about what is within the regulated shoreline jurisdiction. Manager Hudson clarified that, generally speaking, the Shoreline Master Plan regulates 200 feet landward of the ordinary high water mark.

In response to a question about the Planning Commission's role in the Shoreline Master Plan (SMP) update, Manager Hudson explained that the City adopted its SMP in 1996 and was working toward a major update in 2003 when the deadline was extended and new guidelines were adopted. The City is required to complete its update by 2011 following the new guidelines,

including no net loss of ecological functions. She also noted that all the City's shorelines areas are considered "shorelines of statewide significance" because they are saltwater shorelines.

Ms. Hudson then provided an overview of the update process and the State Guidelines. The update is a collaborative effort between the local jurisdictions and the state, but the local program must be adopted through the state Department of Ecology. In addition, any challenges to the city's adopted program would be heard by the Growth Management Hearings Board because the SMP is considered part of the Comprehensive Plan. Manager Hudson also told the Commission that the city's deadline is December 1, 2011, with the possibility of a one-year extension. In light of the resignation of the city's lead planner for the update and a desire to collaborate with Kitsap County on the update, the City is likely to request an extension to 2012. She added that she wanted to make sure that the public knows that the City hasn't actually started the update yet.

The first piece of the update process will be the public participation plan, which will be developed with the assistance of a consultant. Part of developing the public participation plan will be going out to the community to determine how they want to be involved and the best venues for that participation. The next steps are inventory and analysis of existing conditions and that much of this work was completed through the City's Nearshore Assessment which characterized the Island's shorelines. Some of the \$200,000 SMP Update grant funding would be used for updating the Nearshore Assessment document, contracting with a consultant to develop and implement the public participation plan, and contracting for scientific assistance during the Update process.

The role of the Planning Commission is to review and revise the policy and regulations in the existing plan, taking into consideration the guidelines and local needs. The Planning Commission's recommendations would go the City Council and Updated Program that the City Council adopts would go to the Department of Ecology for final approval.

Stakeholder groups for the Update include the Dept. of Ecology, the Suquamish tribe, shoreline owners, and environmental groups. The differences in the new Guideline that need to be considered in developing the Update include the requirement to adopt policies and regulations that result in no net loss of ecological functions, the requirement to provide for the potential for restoration (identify areas that are candidates for restoration), and the consideration of cumulative impacts. The update will also need to preserve protections for the rights for water-related and water-dependent economic uses and ensure that uses that inhibit public use and enjoyment of the water are not allowed. Regulations associated with native vegetation zones, buffers, and over-water structures will be issues.

Staff is likely to request assistance from the Commission in developing the public participation plan in February. After that, work on the goals and policies should begin sometime between June and September.

One of the primary differences between this update and the 2003 effort is that the City will be going out to the public first.

Director Cook remarked that the Planning Commission is going to be really busy between the Code Update and Shoreline Master Plan update. Libby reminded them that they'll also be reviewing the proposed tree ordinance.

**Bruce Taft**, South Beach Drive, asked how many jurisdictions have completed their updates, how those jurisdictions fared with the Department of Ecology, and how long it took those jurisdictions to complete their plans. Manager Hudson that the City of Port Townsend has adopted theirs; she is unsure how long it took to complete their process. Mr. Taft commented that it seems that the City is up against a severe time restraint.

Mr. Taft also told the Commission that some of the past difficulties were that the preliminary stages were not public enough. He feels that the public participation plan may be very important in determining how well the process goes.

**Ken Sethney**, South Beach, introduced himself as the Chair of Bainbridge Shoreline Homeowners, which was founded to gather information from the Critical Areas Ordinance update process and kept going. He said that the comment in the footnote of the staff memo is consistent with what is being heard from other jurisdictions around the Sound. His organization's attorney said that the Shoreline Management Act and the Washington Administrative Code put a lot of responsibility on the local government and give some flexibility to determine what makes sense for the local jurisdiction

Mr. Sethney then thanked the Commissioners for all the work they're going to be doing and offered to send them a copy of the information generated by the Bainbridge Shoreline Homeowners' attorney.

**David Sale**, Chair of the Environmental Technical Advisory Committee (ETAC), stated that his group will have a broad range of expertise that can be drawn on through the update process. He also commented that the science is an opportunity to bring people together. Ms. Hudson apologized for not mentioning the role of the Environmental Technical Advisory Committee (ETAC) in the SMP Update, explaining that ETAC members met the science requirements for both the Growth Management and Shoreline Management Acts, and would serve as the science review sounding board for the SMP Update.

**M.C. Halvorson**, Hidden Cove Road, asked staff is there would be a citizens' advisory committee for the update. Staff replied that no decisions have been made and added that concerns were raised during the 2003 update process that the former committee didn't go out to the public enough and that a very small group made the decisions that ran the process. Staff will work with the public outreach consultants to ask the public how they wish to participate in the Update process and to formulate a public participation plan that represents the desires of the community . Ms. Halvorson replied that each part of the island should be represented in the process.

**Bruce Taft** commented that he was surprised to hear that the City will be doing more work on the shoreline inventory. Staff replied that it would be a minor update, looking only at any major changes in the shoreline since the Nearshore Assessment was completed.

**Don Flora**, Manzanita Road, told the Commission that he was a member of the former citizens' committee, adding that the good news is that every single member of the Planning Commission survived. He then asked if it would be worthwhile at this point for the City to do kind of a retrospective to see whether or not shoreline regulations have worked. Director Cook replied that what staff will be bringing to the process is the staff's perspective of what doesn't work and where there are gray areas or conflicts.

**Gary Tripp**, representing Bainbridge Citizens, told the commission that what doesn't work is to have the city staff propose new regulations on developed property that are not required under the Shoreline Management Act. In response to Mr. Tripp's comments, M.C. Halvorson added that such proposals violate the constitution of the United States.

### 3. NEW BUSINESS/OLD BUSINESS

The joint meeting of the Planning Commission and City Council for the Code Update project and the Department of Ecology's recent workshop on the cleanup at Wyckoff Superfund site were briefly discussed.

### 4. ADJOURN

The regular meeting of the Bainbridge Island Planning Commission adjourned at 8:10 p.m. The next meeting will be a joint meeting with City Council and is scheduled to begin at 6:30 p.m. in the Council Chamber at 280 Madison Avenue.

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C. Averill, Chair

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T. Rice, Minutes Secretary