

City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT



MEMORANDUM

TO: City Council

FROM: Libby Hudson, Long Range Planning Manager

DATE: March 30, 2010

RE: Strawberry Plant Park Shoreline Restoration Project

Purpose

This memo provides an update on community concern and property issues associated with the Strawberry Plant Park Shoreline Restoration Project.

Background

At a joint meeting on February 24, 2009, the Park Board and City Council reviewed the preferred design for the Strawberry Plant Park Shoreline Restoration project, and both the Park Board and City Council approved the conceptual design. In March 2009, the Park Board approved the 30% design and the City Council agreed to waive the need to review and approve the 30% design. This allowed the project to move forward to permitting and final design. On July 22, as a result of public comments concerning multiple aspects of the project, City Council requested and the City Manager directed staff to stop active planning (other than working on the permits in process) on the Strawberry Park project until a community meeting was held. On November 7, 2009, the City conducted a community meeting, which was facilitated by an outside facilitator. The results of the meeting were reported to the City Council and the Council considered there next step for the project.

On December 2, 2009 the Council approved a motion (5 in favor and 1 abstention) to move forward with 90% design, bidding and construction in the fall 2010 or spring 2011, and make good faith effort consistent with the shoreline restoration goals to 1) seek design features that allow for reasonable access to the shoreline and 2) potentially lengthen the ramp for launching non-motorized boats. The intention of the motion was to consider these community concerns during the 90% design, without jeopardizing project funding or further delaying the construction project.

As a result of the motion, City staff worked with our consultant, Anchor QEA, to consider if and how the approved 30% design might be adjusted to further address these two community concerns -- shoreline access and lengthening the non-motorized boat ramp. Although the extension of the boat ramp was not viable, additional shore access was considered to the west of the overwater structure and additional area for direct water access along the shore will be included in the final 90% design.

Project Update

As stated in our previous update to the Council at the March 17 study session, it was necessary to make minor changes to the Strawberry Plant Park Restoration project design to reflect the neighboring property owner's desires. Three drawings are attached that help illustrate this minor change to the design.

A small portion of the restoration project is located on the property adjacent to Strawberry Plant Park, along the eastern park boundary. This is the location of the creek mouth (Weaver Creek) and a narrow portion of the uplands at the mouth of the creek has been utilized by the previous owners of the Strawberry Plant Park property through all the years of land use activity on the Strawberry property, but is shown on maps to be part of the eastern property owned by PNEC.

The PNEC property is a narrow property (60' wide) that is a former tank farm. PNEC acquired this property as part of an acquisition of portions of the CONICO business. Although PNEC signed an owner/agent agreement to include their property in the shoreline restoration project and agreed to go forward for permits, they wanted to review the final design before agreeing to a construction easement.

PNEC has an agreement with a private party who is a potential purchaser of PNEC's 60-foot wide property, and it appears that this party objected to PNEC providing a construction easement to the City for the shoreline project. PNEC has informed the City that they will not provide a construction easement for the restoration work. Rather than pursue a lengthy legal dispute over the property that would delay the project further, staff eliminated this small portion of the property from the project so that we can move forward with the shoreline restoration project in a timely manner.

The design has been adjusted to address this issue and meet the goals of the project and Council direction. The attached "Existing Conditions" drawing shows the area in question highlighted in yellow. As a result of the need to cut this area out of the project, the drawing highlights in yellow the existing concrete that will remain, rather than be removed as part of the restoration project. The 30% drawing shows how the project was designed prior to excluding the area in question, and the draft 90% drawing shows the design adjustment. In both of these last two drawings, the yellow shows the area of change and the green highlights the property boundary. As you can see from the drawings, it is a very minor change at the mouth of the creek.

The change is probably cost neutral; it only impacts that narrow piece of property about 60 feet long and would reduce the shore armoring removal by about 60 feet, including approximately 400 square feet of concrete that would remain in the area of question. The shoreline project would still include all other portions of the shoreline restoration including the upper estuary restoration, removal of almost 200 feet of shoreline armoring, removal of approximately 800 cubic yards of intertidal/estuarine fill, removal of debris, removal of approximately 23,000 square feet of concrete, grade, amend soil, and replant, as indicated in the drawings.

Project Funders Update

As you may recall much of the project is funded by two outside funding sources, the Salmon Recovery Funding Board (SRFB) and Natural Resource Damage Assessment (NRDA), along with City funding. The NRDA funds are being used as the City's required match for the SRFB grants.

Both funders, the Elliott Bay Trustee Council (NRDA funding authority) and the SRFB have indicated that the adjustment described above is a minor change to the project and are supportive of the design adjustment. Permitting for the project is unaffected, including the Hydraulic Permit Approval issued by the Washington State Department of Fish and Wildlife.

The SRFB extended our deadline for the *design* grant from January 29, 2010, to September 1, 2010, allowing additional time to complete the design work. Currently, the SRFB *construction* grant contract requires that the City complete construction of the project and all billing by December 31, 2010. The NRDA funds are approved by the Elliott Bay Trustee Council. In December 28, 2009 letter responding to a letter from the Elliott Bay Trustee Council (November 24, 2009) to the City Council regarding the NRDA funds for this project, the City indicated that we were moving forward with the project and anticipated completing 90% design in April 2010, and bringing the 100% design to the Council and Park Board in May 2010.

Maps

- A. Strawberry Existing Conditions, April 2009
- B. Strawberry 30% Design, April 2009
- C. Strawberry draft 90% Design, March 2010