

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
WORK SESSION, AUGUST 23, 2012
STRAWBERRY HILL CENTER**

WORK SESSION TOPIC: SHORELINE MANAGEMENT PLAN

CALL TO ORDER: A quorum being present, the work session was called to order at 5:02 pm by Chair DeWitt.

BOARD MEMBERS PRESENT: Lee Cross, Ken DeWitt, Jay Kinney, Kirk Robinson, and Tom Swolgaard.

District Staff Present: Terry Lande, Perry Barrett, Dan Hamlin and Mike Mejia.

City Council Present: Steve Bonkowski.

City Staff Present: Chris Wierzbicki, Libby Hudson and Ryan Erickson.

SHORELINE MANAGEMENT PLAN:

The goal of the Park District Board work session was to discuss with attending City staff and City Council representative the current SMP draft and suggest changes to the document that apply to the Park District and its shoreline parks. These changes would facilitate District operations and its responsibilities to the public while continuing to meet COBI SMP goals and meet State obligations of no net loss. The Board was concerned that the draft SMP fails to recognize that the District is unlike a private land holder in that it is a public agency with an obligation to serve the public interest and is specifically obligated to meet the shoreline recreation and access needs of the public. Staff distributed a draft hand-out dated August 23, 2012 that was prepared by Commissioners Cross and DeWitt which summarized the Board's concerns and recommendations regarding the draft SMP.

Regarding Park District Board Recommendations #1 in the above referenced hand-out (attached), City staff acknowledged that the process for park development and re-vegetation management could be streamlined, possibly by developing a Standard Operating Procedures Manual (SOP) for routine maintenance at shoreline parks. Examples of routine maintenance might include: pruning, bluff management, arborist functions such as removal of hazardous trees, and invasive species removal and replanting. COBI staff said they believed it would be possible to review and approve such procedures and then provide "programmatic permits" for routine Park District maintenance and management activities in the shoreline buffer. While the State requires a paper trail to demonstrate that the City is ensuring no net loss of the ecological function of the near shore marine environment, and project permits are typically the way the City tracks this, the suggested option was for the District to complete and turn in a checklist as part of the permitting process that defines the parameters of the project or routine maintenance in the shoreline buffer and are consistent with the items in the approved SOP.

Regarding Park District Board Recommendation #2 in the attached hand-out, the Board was concerned with the SMP's verbiage "park master plan". This terminology could be confusing to the public since the District's use of the term "park master plan" is different than the SMP's use of this term. Mr. Wierzbicki suggested changing the SMP's terminology from "park master plan" to "park plan" or "site plan". Both City and Park District agreed to this.

Regarding Park District Board Recommendation #4 in the attached hand-out, the Board was also concerned with the increase in buffers/setbacks for certain shoreline parks as designated in the current draft of the SMP. City staff believes the buffers/setbacks required by the current SMP draft are very similar to what is currently in place, although they acknowledged increases in some setback requirements, and do not feel any further revisions are needed.

Regarding Park District Board Recommendation #5 in the attached hand-out, the Board requested clarification on whether shoreline restoration will be voluntary for the Park District. City staff responded saying shoreline restoration will be voluntary, not mandatory.

Following a lengthy discussion over the above items, the following additional matters were addressed.

1. Commissioner Cross asked to see the actual language submitted in the final revision of the SMP given to the City Council regarding the topics covered in this work session. City staff agreed to send a copy of the revised sections covered in this meeting to the Park District at the same time they went to City Council. The Park District could then review the actual language and work with City staff to make any further revisions that were needed. Council Member Bonkowski did not think her request was a problem, as long as City staff summarizes these further revisions when they are brought before the City Council.

2. Regarding Park District Board Recommendations #3 in the attached hand-out, the Board requested an additional shoreline designation called "Urban Park" in order to address the needs of parks in more densely populated/highly used areas. The District manages public lands and the majority of public water access for the approximate 80% of island residents who do not own waterfront. An "Urban Park" designation would allow a higher level of impact, while still working within the State requirement for no net loss of ecological functions. City staff was not in favor of this change.

3. The Board was specifically concerned with the "Natural" designation of the south side of the log pond in Blakely Harbor Park in the SMP, as the buffers/setbacks required would restrict the District's ability to provide water access and public recreation. The Board views the park as a post-industrial site deserving a separate designation. The Board strongly urged that at the very least the "Natural" designation for Blakely Harbor Park be removed and replaced with "Island Conservancy". The Board agreed to outline for the City exactly why the Blakely Harbor Park "Natural" designation would preclude the District from carrying out development plans that provide public shoreline access and water-related recreation and are consistent with existing conservation restrictions on the park.

4. The District confirmed with City staff that any project added to the COBI restoration project list that is on Park District property will have Park District Board approval prior to being added to this list.

5. The Board recommended that Waterfront Park be designated as "Urban Park" in the SMP.

Chair DeWitt requested Board permission to continue working with Commissioner Cross and District staff to finalize comments regarding the Board's proposed SMP revisions. The Board agreed to this since the timeline for Council review precludes the Board from meeting again before City staff must get back to the City Council with agreed-upon revisions to the SMP. Chair DeWitt thanked City Council Member Bonkowski and City staff for attending the work session. All agreed it was a positive and constructive meeting.

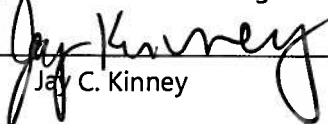
WORK SESSION ADJOURNED at 7:56 pm.


Helen M. Stone
Terry M. Lande
BAINBRIDGE ISLAND METROPOLITAN
PARK & RECREATION DISTRICT

BY: 
Kirk B. Robinson

BY: 
Kenneth R. DeWitt

BY: 
John Thomas Swolgaard

BY: 
Jay C. Kinney

ATTEST: 
Lee Cross

DRAFT August 23, 2012 (revised)

To: Members of City Council

Re: Park District Concerns and Suggested Changes in SMP Update Draft

At your August 15, 2012 Council meeting, you directed staff to work with the Park District to reach agreement on resolving the Park District's concerns about the draft 2012 SMP Update. For the past two years, the Park District has been seeking to do just that, and City staff have incorporated some of our suggestions into the current draft. However, we continue to have major concerns about

1. Draft fails to recognize that the Park District is different from other private shoreline property owners.

- ▲ Park District is an island-wide public agency whose primary purpose is to serve the Island's citizenry by providing diverse recreational opportunities and by responsible stewardship of publicly owned lands and waters. This is our fundamental mission and our reason for existing. We have a highly professional staff carry out these responsibilities every day. With respect to the Shoreline Management Act, these responsibilities are particularly important, because shoreline parks and road ends provide the only physical access to the shoreline for 80 percent of Bainbridge Island residents.
- ▲ By contrast, a private shoreline property owner has no responsibility to serve the public interest, except as specifically mandated by law and/or regulation. A private property owner has particular uses for his/her/its property that often have nothing to do with serving the public interest – e.g., providing shelter for a family, operating a business, operating a private marina, private enjoyment of his/her property, etc. Many private shoreline property owners are good stewards for their properties, but stewardship, public access, and public recreation are seldom the reasons for their ownership of their property.

2. 2012 Draft Differs Significantly from 1996 SMP for Public Parks.

- ▲ Size of buffer is tripled, and makeup of shoreline buffer is different. In 1996, there was one Native Vegetation Zone of 50 feet. In the 2012 draft update, the total shoreline buffer is 150 feet, consisting of two zones: Zone 1, which is a minimum of 50 feet and consists of native vegetation; and Zone 2, which is an additional 100 feet and triggers mitigation for any new uses or development within Zone 2.
- ▲ Regulations governing activities in shoreline buffer are much more detailed and prescriptive.
- ▲ Number of activities within Shoreline Buffer requiring prior Planning Department approval has increased significantly.
- ▲ Increased monitoring requirements with unclear assignment of responsibility.

3. As a result of these two factors, the regulatory burden for both the Park District and the City will increase dramatically.

- ▲ Increased paperwork preparation for Park District, and increased review time for City – e.g., removal of a significant tree must be approved in advance by both a certified arborist and representative from the State Department of Natural Resources.

DRAFT August 23, 2012 (revised)

- ^ Increased costs for the Park District because of new requirements for detailed plans for projects and certification by outside “qualified professionals” for some activities.
- ^ Increased costs for City because City staff lacks expertise in general management of parks to meet public’s recreational needs.
- ^ Increased regulatory burden and costs will act as disincentive for activities that the City seeks to encourage. The result will be a reduction in current activities, such as removal of invasive species and revegetation, that would promote improvement in the nearshore marine environment.

4. “Conservancy” Designation for shoreline parks does not reflect current reality.

- ^ “Conservancy” designation as described in 2012 SMP Update does not fit the reality of current uses in shoreline parks. Waterfront Park, Fay Bainbridge Park and Fort Ward Park should be labeled Urban Parks, based on a variety of factors, including the nature, extensive use, and variety of public uses and activities in those parks – both water and non-water related. Because of these factors, the Shoreline Buffer in these three parks should remain at the current 50 feet, with no additional Zone 2 buffer. Other shoreline parks might also more appropriately be designated Urban Parks because of their location in densely populated areas. This recommendation was previously made in letters and public testimony to the Planning Commission and City Council from Park Board Chair Ken DeWitt and Commissioner Lee Cross.
- ^ “Natural” designation of the southern shoreline of the log pond in Blakely Harbor is incorrect and should be returned to “Island Conservancy” designation. Commissioners Cross and DeWitt had previously requested this change in testimony and letters to the Planning Commission. They noted that Blakely Harbor is the site of past heavy industrial use and still contains contaminated soils. The Planning Commission was divided on this designation and agreed to forward the “Natural” designation to City Council only with the notation that this was an issue for the Council to decide.

5. There continues to be confusion about whether shoreline restoration will be voluntary for the Park District. In conversations with Planning Department staff, the Park District had understood that shoreline restoration – and particularly the shoreline restoration projects described in the 2012 SMP Update – would be voluntary for the Park District. At the Council’s August 15, 2012 meeting, however, there seemed to be an expectation that the Park District would be compelled to undertake at least some of these projects.

We support the goal of shoreline restoration where feasible and not in conflict with current recreational uses. This goal is incorporated into our Comprehensive Plan. We also appreciate the changes that City staff have made in the 2012 Restoration Plan at our request. However, these projects would all carry a considerable cost, and, like other public agencies, the Park District is experiencing shrinking revenues. For 2013, we anticipate an additional 3 percent reduction in revenues from real estate taxes, which account for 80 percent of our budget. We want to make sure that the Council understands that it would be impossible for the Park District to undertake any of these restoration projects unless they were entirely funded by sources other than our normal operating revenues.

Park District Recommendations

To deal with these concerns, the Park District makes the following specific recommendations. In some cases, the Park District is suggesting language to put those recommendations into effect.

- 1. The Park District recommends that District develop a BIMPRD Standard Operating Procedures (SOP) Manual, which covers all Park District standard procedures for general vegetation management (including invasive species removal and revegetation).** Once the Planning Department has approved these procedures, there would be no need for the Park District to seek City approval for its day-to-day vegetation management activities, such as pruning, removal of invasive species. The application and approval process would be streamlined, and the regulatory burden for both the City and the Park District could be significantly reduced.
- 2. The Park District recommends the inclusion of new language for Section 4.1.3.11, Vegetation Alteration Standards – Public Park Development and Management.** This new language incorporates all the current 2012 requirements for shoreline park management and development in a single section. It eliminates any mention of a Master Plan for development of a shoreline park, because development of such plans is extremely expensive and is not necessary for oversight of the 200-foot Shoreline Jurisdiction. It incorporates an approved (SOP) manual as a way to streamline the approval process for projects within the Shoreline Buffer. It takes into account the different purposes of shoreline park developments (i.e., enhancing public access to and recreational enjoyment of the shoreline) vis-a-vis developments on residential properties. Some suggested new language for this section is attached (Attachment A).
- 3. The Park District recommends the addition of a new shoreline designation, “Urban Park”** The Park District has attached some suggested language defining the characteristics of this designation for inclusion in Section 3.2, Upland Designations, in the 2012 SMP Update (Attachment B). The Park District also recommends that this designation be used for Waterfront Park, Fay Bainbridge Park, and Fort Ward Park.
- 4. The Park District recommends that the size of the shoreline buffers be significantly reduced.** For shoreline parks designated “Conservancy”, the Zones 1 and 2 would total 100 feet. For shoreline parks designated “Urban Park”, the entire buffer would consist of Zone 1 and would total 50 feet. (*rationale still to come*)
- 5. We request the City to incorporate language in the 2012 SMP Update to explicitly state that shoreline restoration is voluntary.**

(Suggested new subsection in Section 3.2 Upland Designations)

3.2.5 Urban Park

3.2.5.1 Purpose

The purpose of the Urban Park designation is to provide for a variety of high-intensity water-oriented and water-dependent public access and recreational uses, while protecting existing natural resources and ecological functions, and seeking opportunities to restore ecological functions in areas that have been previously degraded. These public access and recreational uses might have a higher level of impact than would be allowed in the Island Conservancy designation.

3.2.5.2 Designation Criteria

Shoreline properties to be designated Urban Parks must meet one of the following criteria:

- 1 Shorelines in public ownership designated for recreational use.
- 2 Publicly owned areas where adjacent land use is urban or designated for higher intensity use under the comprehensive plan.
- 3 Public shorelines used for water-oriented and water-dependent recreational activities.
- 4 Areas where some portion of the shoreline has previously been ecologically degraded.
- 5 Shorelines where there is currently higher-intensity active recreational use.

3.2.5.3 Management Policies

- 1 Priority should be given to water-dependent, water-oriented, and water-enjoyment recreational uses over other uses. Visual and physical public access should be given priority, consistent with no net loss of ecological function.
- 2 Nonwater-oriented park uses may be allowed but only if the use is otherwise compatible with the designation of adjacent properties or with the Urban designation, does not displace water-dependent uses, and results in no net loss of ecological functions.
- 3 Existing high-intensity uses should be conducted in a such a way as to result in no net loss of shoreline ecological environment.
- 4 Additional high-intensity active water-dependent and water-oriented recreational activities or development should be allowed only if they will not result in an additional loss of shoreline ecological functions.

4.1.3.11 Vegetation Alteration Standards – Public Park Development and Maintenance

(BIMPRD proposed substitute language, pp. 87-89, COBI Draft 4/12/2012)

Maintenance and development activities for a public park, as described below, may be allowed within the Shoreline Buffer with due consideration of the intended park use, provided that: (a) proposed development meets the no net loss standards in accordance with Section 4.1.2. Environmental Impacts; and, (b) appropriate permits are obtained, including those pursuant to Section 4.1.4. Land Modification.

For public parks, the following activities may be allowed within the Shoreline Buffer:

1. Normal park maintenance and management activities for vegetation, provided that either: (a) they are consistent with an approved Standard Operating Procedures (SOP) manual; or (b) they meet the requirements of Regulations - General in Section 4.1.3.5.
2. Disturbance or alteration of existing vegetation for recreational, water access and view purposes, to protect or enhance the quality of the nearshore environment, and to meet stewardship responsibilities for public parks. This includes the removal of invasive species.
 - a. Revegetation with native plants is required for all new development, uses or activities that disturb existing vegetation, whether or not a permit is required. This includes removal of invasive species. In the circumstances below, the applicant must submit the following information for approval by the Administrator prior to vegetation disturbance as part of a project proposal or clearing permit pursuant to BIMC 15.18:
 - i. When the disturbed area is less than 1250 square feet, the applicant must submit an annotated list of proposed native plants drawn from the list from the Kitsap Conservation District.
 - ii. When the disturbed area is 1250 square feet or greater, the applicant must submit a list of native plants and a planting plan. Planting plans shall be consistent with minimum standards for planting in an approved BIMPRD Standard Operation Procedures manual.
 - b. Pruning of native and non-native trees for public safety may be permitted if it meets the standards of an approved BIMPRD Standard Operating Procedures Manual.
 - c. To meet the goal of maintaining or improving public access and views of the shoreline, limited pruning and removal of native and non-native trees may be allowed, provided that such pruning and removal is the minimum necessary to reestablish or establish a view of the water or other significant view features. Established view properties will be maintained as view properties, and maintenance of these properties will meet best management practices for the plants in each specific area. Any pruning and tree removal will be consistent with an approved BIMPRD Standard Operating Procedures manual.
3. Normal maintenance activities for existing structures.
4. Public pathways to the shoreline provided that the size and extent of public pathways have been determined with due consideration to the intended park use.
5. Maintenance of existing public trails, provided maintenance meets the requirements for the trail classification standard for the existing trail as identified by the BIMPRD Trails

Management Plan inventory. Maintenance is also limited to the existing size of the trail. Any vegetation trimming is limited to four (4) feet on either side of the trail, and no significant trees may be removed unless they are deemed hazardous per the Standard Operation Procedures manual.

6. Maintenance and construction of primary and appurtenant structures that either support public access or are necessary to support a water-dependent recreational use when there is a need for a shoreline location, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation. When appurtenant structures are allowed, they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.
 - a. The total square footage of all buildings or structures must not exceed 6000 square feet or 10% of the Shoreline Buffer area, whichever is less. Existing structures may be maintained regardless of square footage.
 - b. Only 10 % of total allowed square footage or 1000 square feet, whichever is less, can be located in Zone 1. Existing structures may be maintained regardless of square footage.
7. Structures in the Shoreline Buffer must meet the following requirements:
 - a. Only water-related recreation furniture, amenities and structures are allowed in Zone 1, including but not limited to, picnic tables, benches, interpretive kiosks, viewing platforms, boardwalks, pervious trails or staircases.
 - b. Accessory recreation buildings, including restrooms, picnic pavilions and service roads that serve such park structures may be allowed in Zone 2, and buildings shall not exceed 12 feet in height above existing grade. Existing structures may be maintained in their present configuration.
8. All structures must be designed to avoid significant impact on views from primary buildings on adjoining properties.
9. Stairways and pedestrian ramps in Zone 1 may exceed 250 square feet, provided that it is demonstrated that a greater area is necessary to meet public access and public use needs or requirements. Stairways shall conform to the standards of the building Code as adopted in BIMC Chapter 15.04.
10. Boat ramps and other boating facilities may be allowed pursuant to Section 4.5 Boating Facilities.