



Meeting Agenda & Minutes Public Water Access Committee

Wednesday, January 13th 2016

From: 5:30pm to 7:30pm

Location: City Hall, Council conference room

Co-Chairs: Elise Wright, Bitsy Ostenson **Minutes / Secretary:** John Brownlow
Attendees: John Brownlow, Thomas Hudson, Bill McCoy, Bitsy Ostenson, Frank Ostrander, Greg Spils, Roger van Gelder, Elise Wright **Excused:** Marci Burkel, Fred Grimm,
Public: Andy Dupree, Diane Dwyer, Leann McDonald, Paula Young, Ian Morris, Patrick Coonan, Rich Seubert, Haley & Rusty Lhamon, Kari & Joel Wright

Action items:	Person responsible:	Deadline:
Review draft Stewards Guidelines with Committee	Review completed. Guidelines to be updated. Tom Hudson, Bitsy Ostenson	Deferred to January
A combined list of 'stewards' (harbor & road-ends) sent to Tom Hudson and Bill McCoy for follow-up with former Road-End Stewards to determine their willingness and capacity to continue in that role.	Tom Hudson, Bill McCoy	
PWAC sub-committee to review and develop content for the website(s).	Bitsy Ostenson, Roger van Gelder, Greg Spils & John Brownlow	
Forward to PWAC Co-Chairs the original email that outlined the Bench program concept(s) and process for getting benches done.	Morgan Smith (CoBI)	
Send Fred Grimm the contact name at Woodworkers (Dave Whitacre - Community Outreach Coordinator) to determine availability of group to support the Road End Benches program	Elise Wright	
Provide input to CoBI on updates to Road End and Harbor sign design standards. Create draft document for discussion.	John Brownlow	
Frank Ostrander, John Brownlow and Elise Wright will work on redrafting the PWAC's position paper to include updated points for the next meeting	Elise Wright / Frank Ostrander / John Brownlow	February 8 th 2016
Provide prioritized list to CoBI regarding the 5 boundary / shore access signs requested as part of the PWAC work plan.	Roger van Gelder, Greg Spils and Bitsy Ostenson	February 8 th 2016
Revise Public Water Access Steward Program Guidelines and application form.	TBD	February 8 th 2016
Send out the consolidated list of harbor & road-end stewards to all committee members.	John Brownlow	February 8 th 2016
Contact DNR to determine what (if any) lease costs apply to private over-water structures and buoys.	John Brownlow & Frank Ostrander	February 8 th 2016

Meeting called to order at 5:33pm

Acceptance or Modification of Agenda. Conflict of Interest Disclosure

Due to significant interest in the Transfer of Public Tidelands discussion item, members agreed to amend the order of Agenda items and move the Tidelands discussion up in the agenda.

No conflicts of interest were reported.

Approval or Modification of previous meeting's minutes

Bill McCoy requested change to December 2015 meeting minutes "Transfer of Public Tidelands" 2nd para, 1st sentence to read "Bill McCoy asked whether the City should apply more restrictive rules than the Shoreline Master Plan (SMP) currently allows."

Elise Wright requested changes to Work Plan Update items: para #2: Woodworkers (Dave Whitacre - Community Outreach Coordinator) para #4: Noted parking sign at Sanwick has been removed

Moved (Frank Ostrander) and seconded (John Brownlow) that the minutes of the December 14th meeting of the PWAC be approved as submitted. All approved.

Transfer of Public Tidelands

Once again, the PWAC benefitted from the involvement of residents in this discussion item. Public comment was received from: *Leann McDonald, Paula Young, Ian Morris, Patrick Coonan, Rich Seubert, Haley & Rusty Lhamon, Kari & Joel Wright.*

Frank Ostrander (PWAC) noted that he had been in contact with Christy Carr (CoBI). The letter addressed to the members of the committee from Ian Morris and others (*attached for record*) covers most of what is in the SMP regarding docks and floats.

Bill McCoy (PWAC) asked whether the committee should recommend for the tidelands anything more restrictive than the SMP.

Roger van Gelder (PWAC) noted that since 1972 public tidelands are no longer allowed to be sold. Kitsap does not allow the sale of tidelands except in special circumstances. The committee agreed to remove option #4 in Item #3 of the Draft response (*see attached Appendix 'A'*): INVESTIGATE SUBDIVISION OF TIDELAND PARCELS AND SALE TO UPLAND PROPERTY OWNERS FOR PROPERTIES CONSIDERED SURPLUS TO REQUIREMENTS

Discussion ensued regarding whether further docks could be built over the tidelands being transferred to CoBI. *Ian Morris* (for public group) noted that their analysis showed that only 2 of the 21 parcels could have docks built over them if the SMP regulations were followed. Further amendments were suggested or made to the DRAFT position paper (*red-lined update attached for record*) *Haley Lhamon* (public) noted that anchored boats were more of a problem (to maintaining a navigable waterway) than buoys that are regulated.

Bill McCoy (PWAC) suggested that the PWAC just recommend that CoBI agree to adhere to the SMP in managing the tideland parcels .. and we all move on.

Bitsy Ostenson (PWAC) recommended CoBI follow the SMP and relevant State laws

Tom Hudson (PWAC) agreed with Bitsy's position and that nothing more restrictive than the existing SMP be put in place.

Elise Wright (PWAC) provided suggestions for general guidelines to be added to the draft discussion paper, but deferred comments on the specific recommendations when public comment ran long.

John Brownlow (PWAC) sought to define a resolution that would be acceptable to the PWAC and public. Members of the public agreed that the Morris letter was in alignment with the SMP and that agreeing to use the SMP as the benchmark would be acceptable to them.

Frank Ostrander, John Brownlow and Elise Wright will work on redrafting the PWAC's position paper to include updated points for the next meeting.

John Brownlow (PWAC) to contact DNR to determine what (if any) lease costs apply to private over-water structures and buoys.

CoBI update

Elise Wright noted items from the Deputy City Manager's report (January 11th, 2016)

Roger van Gelder, Greg Spils and Bitsy Ostenson are requested to provide prioritized list to CoBI regarding the 5 boundary / shore access signs requested as part of the PWAC work plan. PWAC asks whether CoBI has budget to complete more signage in 2015/16 work period, given unused funds from 2015.

Elise Wright noted the City had recently approved funding of \$16,000 for BI Police Department to purchase a smaller boat and motor for use in support of the duties of the Harbormaster (Tami Allen)

Elise Wright to write a note to BI Police Department thanking Harbormaster (Tami Allen) and Officer (Marine Patrol) Erik Pepper for their assistance in the recent ride-along on the Police launch which enabled PWAC members to review a number of public road-ends

Review draft Stewards Guidelines

Tom Hudson and Bill McCoy provided PWAC members with an overview of the program guidelines suggested for the Public Water Access Stewards Program.

Committee members suggested several changes including (1) noting a duty of stewards to monitor continuity of access to public road-ends and tidelands, (2) encouraging stewards to meet regularly within their regions, (3) checking road-ends in their region on a quarterly basis and detailing changes or issues of concern to the appropriate CoBI contact and PWAC and (4) encouraging regular interaction between stewards from each region.

Committee members suggested that one PWAC member be designated as the liaison point for harbor stewards and one for road-end stewards. Tom Hudson agreed to be the liaison for harbor stewards. Bitsy Ostenson to contact Marci Burkel regarding taking on that role for road-end stewards.

Bill McCoy will send revised Program Guidelines to Tom Hudson and Tom will send Bill the Steward application form document for editing

Elise Wright requested John Brownlow to send out the consolidated list of harbor & road-end stewards to all committee members.

Public Comment

No further public comment was received.

Next Meeting

The future agenda item "Provide input to CoBI on updates to Road End and Harbor sign design standards." was briefly discussed including questioning the need for this item as CoBI already has a set of standards. It was agreed that further discussion be suspended until the February meeting

Scheduled for **Monday, February 8th 2016 at 5:30pm**

Elise to check with CoBI regarding the use and operation of a speaker phone to facilitate committee member call-in for the February meeting

There being no further business the meeting adjourned at 7:36pm




Elise Wright, Chair 2/8/2016

COMPLETED ACTION ITEMS	Person responsible:	Deadline:
Road End Benches: Anne Blair provided a contact name (Ms Billy Eller) at the BARN (Bainbridge Artisan Resource Network) who may be able to provide support/resources for the PWAC project.	Completed (Dec 2015) Bitsy	
Provide input to CoBI to update Harbors page(s) on CoBI / PWAC website pages. Request a link back to the Harbormaster's page from the Harbors information on the PWAC page	Completed (Jan 2016) John Brownlow / Tami Allen	

Attachment 'A'

Transfer of Kitsap County Tideland Parcels to the City PWAC suggested position paper (DRAFT for discussion)

November 9, 2015

In all cases, planners should ensure continued public access to tidelands is not impacted by private use or structures

1. Where the tideland parcel directly interfaces with an upland private property eg: 052502-1-030-2002; 4111-000-040-0208
 - ALLOW REASONABLE USE eg: dock or buoy consistent with the provisions of the CoBI Shoreline Master Plan (SMP)
 - INVESTIGATE LEASE CHARGES (similar to DNR lease) FOR THAT PORTION OF THE STRUCTURE THAT CROSSES CITY-OWNED TIDELAND
2. Where the tideland parcel directly interfaces with a documented City road-end or BIMPRD park eg: 4155-000-135-0003; 282602-1-023-2003
 - PERMIT ONLY CITY or BIMPRD OWNED DEVELOPMENT eg: dock or buoy subject to permit
3. Where the tideland parcel underlies/crosses previously permitted structures eg: docks such as in 352502-2-061-2006
 - CONTINUE TO ALLOW EXISTING STRUCTURES AND REASONABLE USE eg: dock or buoy
 - ALLOW OTHER PROPERTIES SIMILAR USE subject to permit requirements, public input and consistent with the provisions of the CoBI Shoreline Master Plan (SMP)
 - ~~INVESTIGATE SUBDIVISION OF TIDELAND PARCELS AND SALE TO UPLAND PROPERTY OWNERS FOR PROPERTIES CONSIDERED SURPLUS TO REQUIREMENTS~~
4. Where the tideland parcel directly interfaces with upland private properties but is significant in size or ecologically important eg: Fletcher Bay parcel 202502-1-055-2003
 - INVESTIGATE DESIGNATION OF ENTIRE AREA AS A MARINE AQUATIC PRESERVE
5. Where the tideland parcel lies across from upland private property but does not directly interface to it eg: Crystal Springs Road parcels 4184-000-005-0104; 4184-000-007-0201
 - ALLOW RESTRICTED USE eg: Only mooring buoy with appropriate permit and lease consistent with the provisions of the CoBI Shoreline Master Plan (SMP)

From: Ian Morris

Subject: Comments on the PWAC meeting of December 24, 2015

January 11, 2016

Members of the City of Bainbridge Island Public Water Access Committee,

Thank you for taking time to listen and consider public comments at your meeting on December 14, 2015.

Several of us who participated in the public comment have discussed the questions and concerns about tidelands that we heard at the meeting. We would like to share with you our thoughts on these points as you prepare to make your recommendations to the City Council.

The use of Bainbridge Island shorelines is dictated by the recently adopted SMP. The SMP was approved by the city after years of input from city staff, state agencies, and interested citizens. We believe that the 21 tidelands parcels received by the city from Kitsap county should be managed in a way that is consistent with the SMP and consistent with the neighboring tidelands parcels that have been under the jurisdiction of the SMP since its adoption.

We believe it's important to remember that only 21 tideland parcels are involved in this transfer of tidelands from the county to the city. The decisions made regarding the use of these parcels will have a limited effect when considered within the context of Bainbridge Island's 53 miles of shoreline. However, the decisions on the allowed use of these parcels will have a major impact on the residents who live adjacent to them.

Docks could be built on only 2 of these 21 tideland parcels because the restrictions of the SMP eliminate that possibility on the remaining 19 parcels. The 2 parcels (352502-2-061-2006 and 352502-2-062-2005) are located in Eagle Harbor. Only 4 additional docks could be built across these 2 parcels due to the restrictions of the SMP and the fact that many properties already have single-use or joint-use docks.

Buoys could not be installed on any of the 21 tideland parcels because the parcels are too shallow or are have Aquatic Conservancy status within the SMP.

We support the proposed allowed uses in the document reviewed at the December 14 meeting: "Transfer of Kitsap County Tideland Parcels to the City - PWAC suggested position paper (DRAFT for discussion) November 9, 2015."

There was some concern that new docks would hinder navigation, particularly in Eagle Harbor. It is worth noting that the SMP has provisions in place to address this concern. Specifically, the SMP states that docks shall be located to minimize interference with the use of navigable waters and that the city may limit the length of proposed docks for that purpose. Additionally, no dock can extend further into the harbor than the average length of the existing docks on either side or can exceed the pre-defined Construction Limit Line, which is intended to keep the harbor navigable. In practice, docks in Eagle Harbor are 150 feet or more short of the Construction Limit Line.

Specifically, the SMP says:

The length shall not extend beyond the average length of adjacent docks, within 500 feet of the proposed location or the distance necessary to obtain a depth of nine feet of water as measured at mean lower-low water (MLLW) at the landward limit of the moorage slip, whichever is closer to shore. A dock shall not extend beyond the adjoining property dock or the line of navigation and in no case shall piers and their associated ramps and floats extend greater than 15 percent of the perpendicular shore-to-shore distance across a water body, except where a navigational study has been submitted for city review and approval; and

(C) In Eagle Harbor, a pier or dock shall not extend beyond the construction limit line (Figure 16.12.050-2);

Beyond the restrictions regarding navigability, the SMP imposes requirements that limit the ability to build docks and limit the size of new docks, including requirements such as:

- The beach must not contain critical physical limitations such as potential landslide areas or shallow, sloping tidelands with gradients of 3% or less.
- A dock may not be built if the tidelands contain salt marsh vegetation such as pickleweed.
- The SMP contains detailed requirements to minimize the number of pilings installed and ensure that environmentally-friendly materials are used in the construction of docks.
- The SMP requires the use of materials such as grating that reduce the shading effect of docks.
- Lighting on docks is limited to the minimum necessary for navigation and safe use of the dock.
- Dock floats must be suspended above the beach at low tide rather than resting on the beach.
- Docks are only permitted on properties that have a waterfront bulkhead.

In addition to the SMP restrictions, the city already follows their own guidelines requiring a minimum distance between docks.

For some properties it is unrealistic to build due to shallow depths and exposure to wind and waves.

In conclusion, we suggest that there is value in managing the 21 tideland parcels in a manner that is consistent with other lots currently under the jurisdiction of the SMP. Furthermore, we believe that the relatively small number of parcels in question, combined with the existing restrictions of the SMP, mean that use of these tideland parcels will not result in more than 4 possible new docks on Bainbridge Island. We support the recommendations of the position paper distributed at the December 14 meeting.

Thank you for your attention to our thoughts on this topic, and we look forward to providing additional input if it is helpful.

Signed,

Patrick & Susan Coonan
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Mark & Staci Campbell
10010 Ewing Street

Haley & Rusty Lhamon
4676 Eagle Harbor Drive

Ian Morris
6031 Rose Loop

Robert Morris
6005 Rose Loop

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