

**(DRAFT) AGENDA**  
**Special Meeting - Bremerton Planning Commission**  
**(Subject to PC approval)**  
**May 29, 2012**  
**5:30 P.M.**  
**345 – 6<sup>th</sup> Street**  
**Meeting Chamber – First Floor**

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- I. CALL TO ORDER**
  - II. ROLL CALL (quorum present)**
  - III. APPROVAL OF THE AGENDA**
  - IV. APPROVAL OF MINUTES:**
    - o April 17, 2012 Regular meeting.
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**V. PUBLIC MEETING**

**A. Call to the Public:** Public comments on any item not on tonight's agenda

**B. Public Hearing**

- 1. Shoreline Master Program
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**VI. BUSINESS MEETING**

**A. Chair Report:** Chairman Jose

**B. Director Report:** Andrea Spencer  
SKIA Sub-Area Plan – Public Hearing Date: June 19<sup>th</sup> or 26<sup>th</sup>?

**C. Old Business:**

**D. New Business**

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**VII. ADJOURNMENT: The next regular meeting of the Planning Commission is tentatively scheduled for:**

June 19, 2012

Planning Commission meeting packets are available on-line at

[www.ci.bremerton.wa.us](http://www.ci.bremerton.wa.us)

# DRAFT

Subject to May 29, 2012 Approval

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF REGULAR MEETING April 17, 2012

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#### **CALL TO ORDER:**

Chair Jose called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

#### **ROLL CALL**

##### **Commissioners Present**

Chair Jose  
Vice Chair Cockburn  
Commissioner Albright  
Commissioner Lambert  
Commissioner Mosiman  
Commissioner Tift

##### **Staff Present**

Andrea Spencer, Director, Department of Community Development  
Doug McIntyre, Long Range Planner, Department of Community Development

##### **Others Present**

Deborah Munkberg, Consultant, Blumen Consulting Group

##### **Commissioners Absent**

Commissioner Hoell (excused)

#### ***Quorum Certified***

#### **APPROVAL OF AGENDA**

COMMISSIONER ALBRIGHT MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER MOSIMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

#### **APPROVAL OF MINUTES**

COMMISSIONER LAMBERT MOVED TO APPROVE THE MINUTES OF MARCH 20, 2012 AS AMENDED. COMMISSIONER TIFT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH CHAIR JOSE ABSTAINING.

#### **PUBLIC MEETING**

**Call to the Public** (public comments on any item not on the agenda)

Chair Jose asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

#### **Workshop: South Kitsap Industrial Area (SKIA) Subarea Plan Overview**

Mr. McIntyre provided a brief update of the SKIA Subarea Plan since the Commission last reviewed it on August 17, 2010. He reminded the Commission that the subarea plan is funded by an Environmental Protection Act (EPA) Climate Showcase

Communities Grant that was awarded in 2010. Throughout the planning process, guidance was provided by the Technical Working Group (TWG), which is made up of stakeholders, property owners, and various members of city staff, and the Executive Committee (EC), which is made of up Kitsap's elected officials, and policy leaders, including Chair Jose. Two public open houses have also been held. He briefly reviewed the meetings and events that have occurred to date and announced that the Commissioners are encouraged to attend the next public open house on May 7<sup>th</sup>.

**Mr. McIntyre** reviewed that a draft subarea plan and draft Environmental Impact Statement (EIS) was issued on June 9, 2011, and the comment period ended on July 21, 2011. A final EIS and new draft subarea plan was issued on March 29, 2012. The design team is working with TWG and the EC to address comments and suggestions, and the draft plan will likely change before it is presented to the Commission for a formal public hearing in June. A public hearing and final adoption by the City Council is tentatively scheduled for August 1, 2012

**Deborah Munkberg, Consultant, Inova PCD LLC & Blumen Consulting Group**, said the draft EIS looked at the following alternatives:

- **Alternative 1** would require no action. It is a baseline that is required by State Law. Based on existing growth trends over the past 5 to 10 years, it is estimated that Alternative 1 would result in 1,400 new jobs and 800,000 square feet of development.
- **Alternative 2** would result in approximately 6,500 new jobs and about 4 million square feet of development. It identifies a slightly reduced boundary for the Manufacturing Industrial Center (MIC) by removing some areas in the very southern portion next to the Mason County line. The Puget Sound Regional Council granted the MIC designation, which is one of 8 in the region intended for intense industrial development. The PSRC's ultimate goal for this area is 10,000 jobs.
- **Alternative 3** has the most aggressive growth scenario. It is estimated that Alternative 3 would result in 10,000 new jobs and 5.5 million square feet of new development.

**Ms. Munkberg** said the Preferred Alternative is essentially Alternative 2, as described in the EIS. However, the boundary of the MIC was moved even further to the north to Lake Flora Road. The area to the south would be designated mixed employment (ME). The ME area would provide more development flexibility by accommodating retail, office and industrial uses. The preferred plan is an intermediate approach that recognizes future constraints and the need for additional infrastructure over the next 20 years.

**Ms. Munkberg** advised that the EIS comment period was extended an additional 10 days. The city received 12 comment letters related to transportation mitigation, airport compatibility, planned action process, alternative preferences, critical areas protection, subarea plan comments, and site specific issues. None of the comments fundamentally altered the conclusions and/or analysis contained in the draft EIS. All of the comments were addressed in the final EIS by correcting scrivener's errors and providing additional information and clarification about transportation, critical areas, climate change, land use and utilities. Ms. Munkberg and Mr. McIntyre reviewed each of the five sections of the draft SKIA Subarea Plan as follows:

#### Goals and Strategies

**Ms. Munkberg** advised that the Goals and Strategies section of the draft subarea plan was cleaned up and streamlined based on comments from the public, the TWG and the EC. Definitions of terms and a description of the public outreach process were added.

#### Implementation

**Ms. Munkberg** said the Implementation Section is new and contains a summary of a joint EC/TWG brainstorm meeting where the group identified impediments to the subarea plan's success, as well as strategic directions for the plan's success. The Implementation Section also includes a list of implementation strategies such as creating a multi-jurisdictional/multi-agency steering committee to make sure everyone works together and to clearly define the goals and benefits of marketing the area; developing a comprehensive outreach and communication strategy, building off the specific tools and methods identified in the subarea plan; developing a specific marketing plan; tracking and monitoring the new regulations and adapting them as needed; finding funds for the key infrastructure needed in the subarea; and adaptive management. Lastly, the Implementation Section provides case studies from San Diego, California; Silver Bay, Minnesota; and Kalundborg,

Denmark. Three major points come from the case studies: the idea that collaboration breeds success, it takes a lot of time and patience through a spontaneous and slow evolution, and being a small town does not impede growth.

#### Zoning and Development Standards

**Mr. McIntyre** explained that because it is important to encourage economic development in the subarea, the zoning and development standards should be flexible, easy to use, effective to implement, and work well for both the City and the development community/property owners. The goal is also for the subarea to be developed as a very progressive industrial area, consistent with the EPA grant. He advised that there are four zones identified in the SKIA Subarea:

- The **Port Industrial Mix (PIM) Zone** is located north of State Route 3. This zone is intended to promote both light and heavy industrial uses, but still remain a business park form.
- The **General Industrial (GI) Zone** is located in the northeast and south sectors of the subarea and would be open to most types of industrial uses.
- The **Aviation Business (AB) Zone** is centered around the Bremerton National Airport and is geared towards aviation-related businesses. Although it would not prohibit other types of uses, light industrial and manufacturing uses would be encouraged. However, the light industrial uses should not have adverse impacts with outdoor industrial uses. Heavy industrial uses are not encouraged, but they would be allowed.
- The **Mixed Employment (ME) Zone** is located south of Lake Flora Road and is a more flexible zone to allow commercial, office and retail type uses. Light industrial would be allowed, but it should not have adverse outdoor industrial uses. Heavy industrial uses would not be encouraged in this zone.

**Mr. McIntire** emphasized that all of the uses allowed in each zone must meet the intent of each zone, and all uses must be compatible with the airport and comply with the Federal Aviation Administration (FAA) requirements and other applicable regulations. He noted the yellow outlines on the map, which identify the six airport compatibility overlay zones, which the city will utilize as a guidance tool as it considers appropriate use, height, and noise requirements. The staff is in discussions regarding the use of this tool with the Port of Bremerton, the EC and TWG, and changes may be made in the future.

**Mr. McIntire** advised that site development standards do not specify a maximum height restriction per zoning district. Rather than the traditional front, rear and side yard setbacks, the proposed development standards identify external and internal setback requirements. The idea of minimum internal setbacks is currently under review and may change before the final draft is presented to the Commission for review and public hearing.

**Mr. McIntire** said the development standards have been broken down as follows: site clearing and development; building design; transportation, parking circulation and pedestrian access; landscaping; signs; exterior lighting; noise and emissions; low-impact development; and right-of-way standards. He emphasized that by being flexible with height and setback, it is important to ensure that development occurs to a standard that protects the health, safety and welfare of the public.

**Mr. McIntire** explained that the right-of-way standards are proposed in the plan, and two low-impact development streetscapes were provided for each standard (drawings and street types are still under review):

- **Business Serving Streets** are the lowest scale of streetscape in the SKIA Subarea. Pedestrian uses and bio-retention/landscaping is encouraged in this streetscape.
- **Local Access Streets** are larger than the Business Serving Streetscapes and include parking, bike lanes and walking pathways.
- **Commercial Industrial Streets** are larger still and include a potential 15-foot drive width. However, the City Engineer will have substantial input in how these streets are actually developed.
- **Arterial Streets** are largest streetscapes and include two lanes of traffic both ways. They also include a center lane for potential bio-retention and/or landscaping or a turn lane, as well as both bike and walking pathways.

**Mr. McIntyre** referred to the Preferred Street Typology Map, which identifies where each of the different streetscapes would fit best. He emphasized that the map represents a preference, but is not a regulation or requirement. The City Engineer will have substantial input.

**Mr. McIntyre** said the concept of a “payment in lieu of street frontage improvements” program is currently being considered, but it has not been included in the plan yet. He reviewed that the Bremerton Municipal Code (BMC) requires all redevelopment projects that exceed 25% of the assessed value of the property and all new development projects to provide street frontage improvements. Many property owners have expressed concern that this can be an onerous and costly requirement, which could be particularly true in industrial areas where there are large, undeveloped parcels. A “payment in lieu of street frontage improvements” program is one option for addressing the concerns of developers and property owners. This program would allow a developer to pay into a fund an amount commensurate with the cost of the required street frontage improvements. When the City determines there is enough need on a street for frontage improvements, the money in the fund would be used for the development.

#### Sustainable Design Guidelines and Development Incentives

**Mr. McIntyre** advised that the Sustainable Design Guidelines are an optional and voluntary, but strongly encouraged, element of the subarea plan. The goal is to achieve the vision of the subarea plan, while not discouraging development. He provided a drawing of an ideal industrial development, which includes a vegetative buffer, pedestrian connections throughout the site, office and retail uses along the street front, shared parking, shared loading zones, limited access to break up pathways, etc. He explained that the design guidelines are meant to provide specific guidance and examples of how sustainable industrial and commercial development could be achieved. The guidelines are broken into two categories: site planning and building design and landscape design. He encouraged the Commissioners to read the design guidelines and forward their comments to him.

**Mr. McIntyre** said the incentives program outlined in the draft subarea plan offers a voluntary approach to get property owners and developers to achieve the vision. He briefly explained how the proposed incentive program would offer a three-tier approach to sustainable development using six point categories: site development and building design, sustainable transportation, environmental stewardship and habitat, low-impact development, water conservation, and energy efficiency and alternative energy. The Tiers would be set up as follows:

- Tier I would require 70 points and would offer a 10% increase in both hard surface and impervious surface coverage. It would also provide relief from Code Section C.4.020(a).
- Tier II would require 105 points and would offer a 15% increase in both hard surface and impervious surface coverage. It would also provide relief from Code Section C.4.020(a).
- SKIA Evergreen would require 140 points in addition to LEED Silver or higher and a construction waste management plan for redevelopment projects. This category offers a 20% increase in both hard surface and impervious surface coverage. It would also provide relief from Code Section C.4.020(a). It would qualify a developer for a building permit fee rebate and the City’s best effort to provide a priority permit review. There would also be a press release, and the developer would receive the Mayor’s Sustainable Development Award.

**Mr. McIntyre** said the Building Permit Fee Rebate Program is a new “pilot” program that would only apply to SKIA. Citywide expansion, if warranted, would be addressed at a later time. He explained that, as currently proposed, all development projects that achieve SKIA Evergreen would qualify for a 30% building permit fee rebate. All building permit fees would be paid up front, and the rebate would be issued once the City has insured the public has received the commensurate benefit.

#### Capital Facilities Plan

**Mr. McIntyre** pointed out that the Capital Facilities Plan (CFP) is a particularly important element of the subarea plan because the SKIA Subarea is largely undeveloped at this time. He clarified that not only does the SKIA CFP address transportation, water, sewer and stormwater projects, it also adheres to RCW 36.70A, which requires an inventory of existing capital facilities, identification of future needs based on development assumptions, identification of projects to meet the future needs, and a financial plan. The CFP must also be coordinated with the land use element in the Comprehensive Plan. He explained that the proposed SKIA CFP is more conceptual and less specific than traditional CFPs because they do not know where development will occur in the future. It identifies general capacities and locations for future capital facilities. It also identifies potential funding, but not commitments of specific funding. The SKIA Subarea is very large (approximately 3,700 acres) and is mostly undeveloped. It is also located in an MIC, which emphasizes manufacturing and industrial uses. Because the subarea plan is funded by an EPA grant, it is appropriate to consider opportunities for sustainable features.

**Mr. McIntyre** said capital projects can be funded through traditional sources such as government and developer/property owner funding. The City has agreed to put forth their best effort to obtain government grant funding for infrastructure development. However, it is important to keep in mind that it could be a disaster if infrastructure development is done too early and no development occurs for a while. On the other hand, if it is done too late, it would be difficult to attract developers. He said the plan includes the concept of creating a Community Facilities District (CFD) which is a relatively new tool created by the State, which is similar to a combination of a Local Improvement District and Tax Increment Financing. The CFD program requires the support of 100% of the property owners. Because there are relatively few property owners in the SKIA Subarea, this program is a particularly interesting option. The property owners could come together to leverage future assessment value to get a loan to pay for infrastructure improvements.

**Mr. McIntyre** provided a table that identifies the infrastructure that is needed in the SKIA Subarea including 25 road projects, 4 water projects, and 5 sewer projects. No stormwater projects have been listed because the plan encourages low-impact development features to be tied in with road improvements. In addition, the soils in the subarea are well suited for water infiltration. He said the total cost of the identified projects is estimated to be \$73,698,000.

Once again, **Mr. McIntyre** advised that the next public open house is scheduled for May 7<sup>th</sup>, and Commissioners are encouraged to attend. The Commission would review an updated draft of the subarea plan and conduct a public hearing in June. Two City Council study sessions are scheduled in July, with a public hearing and final action scheduled for August 1<sup>st</sup> 2012.

**Commissioner Mosiman** asked about the possibility of bringing a rail line to the subarea. **Mr. McIntyre** answered that rail lines exist in the area, and the design team has considered rail as a potential for importing and distributing goods. **Ms. Munkberg** said they looked at land use in the vicinity to encourage uses that locate next to the rail line to be those that could benefit from access to the freight line.

**Commissioner Tift** asked if the Department of Corrections Westside Reception Facility that is currently being studied would fit into the subarea plan. **Mr. McIntyre** said the only prohibited uses in the subarea would be junk yards and residential as a primary use. All other uses would be permitted outright except for adult entertainment businesses and class II group residential facilities (residential facility for seven or more persons who cannot care for themselves). He said the current development would be considered an essential public facility that would be allowed in the subarea as a conditional use. **Commissioner Tift** asked if the race track is located within the subarea. **Mr. McIntyre** answered affirmatively, and added that the project is currently going through the development permitting process.

**Commissioner Mosiman** commented that the case studies in the Implementation Section seemed to be very focused on green industries. **Mr. McIntyre** said that at the recent Developer's Forum it was discussed that sustainability sounds good, but it is often difficult to implement. It is difficult to balance this concern with the City's desire for more sustainable development, but the design team believes that sustainable development is achievable in the subarea. For example, low-impact development stormwater treatment facilities can significantly improve water quality in the subarea. **Ms. Munkberg** added that the plan is oriented towards "green" development standards and not necessarily eco-industrial development. The examples were cited as other potential possibilities. The intent is to encourage all types of industrial development, including traditional development, which can be developed in a way that is more green and sustainable.

**Chair Jose** said there has been some discussion amongst the EC and TWG that previous attempts at development in the subarea were a little too focused. It has been suggested that they need to broaden the types of developers they are trying to reach. **Ms. Spencer** added that at the Developer's Forum, it was discussed that it is good to get the regulations in place now. However, the implementation strategies make it clear that the City cannot achieve any of the goals in the subarea plan without further work to facilitate implementation.

**Commissioner Lambert** asked if the grant requires the City to incorporate sustainable design guidelines into the subarea plan. **Mr. McIntyre** said the grant does not specifically require sustainable design guidelines, but it emphasizes reducing greenhouse gases. **Ms. Munkberg** said the City's goal is to reduce greenhouse gas emissions by 30% over traditional development. The EIS identifies a number of measures for accomplishing this goal, and the measures were carried over to the subarea plan.

**Vice Chair Cockburn** said the plan does not address lead pollution from aviation fuel. **Ms. Munkberg** agreed that the plan does not address options for reducing lead pollution, but it does address carbon emissions from the airport. **Vice Chair Cockburn** suggested that lead pollution could impact stormwater runoff. **Ms. Munkberg** agreed but said this is an issue that is beyond the City's ability to regulate.

**Commissioner Tift** recalled that the Kitsap Aerospace Alliance previously indicated there are 5,500 acres of undeveloped land in the subarea. He asked if this calculation includes the airport. **Ms. Munkberg** said the subarea is actually 3,700 acres, and the roughly 1,100 of that is the airport.

**Chair Jose** asked for more information about the Planned Action EIS, and why the City chose that strategy. **Ms. Munkberg** explained that a Planned Action EIS is a State Environmental Protection Act (SEPA) provision that allows jurisdictions to do the SEPA review upfront. After the SEPA review has been completed, the City will adopt an ordinance that includes the mitigation identified in the EIS. If future development is consistent with the development type and amount evaluated in the EIS, no further SEPA review would be required by a developer.

**Chair Jose** asked how the plan achieves the concept of "more carrots and fewer sticks." **Ms. Munkberg** said they have struggled to find the right balance throughout the plan. They have landed firmly on the side of some minimal requirements and standards that get them in the right direction, and then emphasizing incentives such as regulatory relief and building permit rebates to encourage and support development to head in that direction.

**Chair Jose** requested more information about the types of ideas that are being discussed for the "in lieu of" program. **Mr. McIntyre** said the design team had hoped for feedback from the TWG and EC groups regarding this concept, but none was received. They will work on a proposed program for inclusion in the next draft.

**Commissioner Lambert** asked if developers would pay a portion of the capital facilities costs. **Mr. McIntyre** said it could be a combination of government and private investment. As per the proposed plan, more of the burden would be placed on developers. They will also search for federal and state grants to fund the infrastructure improvements. **Ms. Spencer** said that having an adopted subarea plan will allow the City to demonstrate that they have done the necessary analysis to show where the infrastructure would go. This will make the City more competitive for grant funding. **Chair Jose** commented that by completing the SEPA process and adopting a subarea plan, the City will have done what they can to make the subarea attractive to developers. Developers desire certainty of permit review and are more likely to invest in infrastructure if some of the other aspects of development entitlements have been taken care of.

There was no one in the audience who expressed a desire to provide comments during this portion of the meeting. The workshop was declared closed.

## **BUSINESS MEETING**

### **Chair Report**

**Chair Jose** thanked Vice Chair Cockburn for chairing last month's meeting. He also reported that he has been very involved in the SKIA Subarea Plan process and has attended nearly all the meetings. He also participated on the selection committee that approved the consultant team. He observed that the staff and consultant team has done a great job of following the guidelines and recommendations of the TWG and EC groups.

### **Director Report**

**Ms. Spencer** reviewed that a public workshop on the SKIA Subarea Plan is scheduled for May 7<sup>th</sup> at 4:00 p.m. The agenda for the Commission's May 15<sup>th</sup> meeting will include a public hearing for the Shoreline Master Program. Staff anticipates a lot of public testimony. The June 19<sup>th</sup> agenda will include a public hearing for the SKIA Subarea Plan.

**Ms. Spencer** reported that she has been without an Assistant Director since February. They are conducting interviews this week, and she is hopeful they will find a replacement soon. It is important to make the right decision, since the position has a big impact on her organization and the City's operation.

**Old Business**

There was no old business to discuss.

**New Business**

There was no new business to discuss.

**ADJOURNMENT**

The meeting was adjourned at 6:29 p.m.

Respectively Submitted by:

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Andrea L Spencer, AICP  
Executive Secretary

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Greg Jose  
Chair, Planning Commission

**CITY OF BREMERTON, WASHINGTON  
PLANNING COMMISSION AGENDA ITEM**

<b>AGENDA TITLE:</b>	Public Hearing on the Shoreline Master Program Update
<b>DEPARTMENT:</b>	Department of Community Development
<b>PRESENTED BY:</b>	Nicole Floyd, City Planner

**EXECUTIVE SUMMARY**

The Shoreline Master Program (SMP) has been a 3 year public planning process which was mandated by the State in order to utilize extensive scientific information that was unavailable 30 years ago when the SMP was first adopted. Staff has spent the last 3 years diligently working on researching, documenting, and drafting revisions that meet the State guidelines and address Bremerton's unique environment. Through this process the Planning Commission has held 14 community workshops to discuss, deliberate, and receive public comment regarding a wide array of topics within the Shoreline Master Program. The Technical Advisory Committee (Applicable State, Tribal, and Local agencies) have held monthly coordination meetings, and the Citizen Advisory Group has spent almost 2 years reviewing and recommending revisions to the code language to help make it a user friendly, clear, and concise document that is consistent with other City regulations.

Due to the complexity and size of the document up to this point it has been reviewed by the Planning Commission in segments. Now, the document before you is complete and includes all previous recommended changes. All changes are identified in the document through the use of Legislative Markup and are written in red ink to ensure they stand out.

Attachment I is a matrix that identifies the location of all changes, why the change is proposed, and how the change is intended to improve the document. This matrix is intended to be used as a "readers guide".

Attachment II provides a brief summary of all written comments received over the 3 year process in addition to the actual written comments. These comments are from a variety of sources including citizens, developers, neighboring jurisdictions, State agencies, and interest groups. Additionally, these comments are addressed in the "Users Guide Matrix" (Attachment I) identifying how the request has been responded to.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission conduct a public hearing on the proposed SMP update, consider public testimony, deliberate, and forward a recommendation to the City Council for adoption.

**MOTIONS FOR CONSIDERATION**

**Motion:** Move to recommend that the City Council adopt the Shoreline Master Program Update as shown in Attachment IV of this report based on the Findings and Conclusions presented in Attachment III.

**ATTACHMENTS**

- Attachment I – Revision Matrix
- Attachment II – Public Comments
- Attachment III – Findings and Conclusions
- Attachment IV – Draft Shoreline Master Program

Planning Commission Public Hearing  
Attachment I  
Revisions Matrix

<b>Topic / Code Location</b>	<b>Requestor</b>	<b>Request/Discussion</b>	<b>Proposed Amendment</b>
General	City Staff, Planning Commission, and Citizen Advisory Committee	Minor modifications such as corrections of typo's, spelling, capitalization, re-wording, or and clarifications are necessary.	Corrections have been made throughout the document. The majority of corrections are shown in underline and strikethrough, however some very minor corrections such as spelling, capitalization, and typo's were simply changed without tracking.
General	City Staff	Formatting and organization is needed so that all sections are numbered and are in a logical order.	Some sections have been re-numbered and formatted. These changes are not shown as tracked changes.
20.16.200 Goals Pages 6-7	Planning Commission (5.17.2011 Workshop)	Minor modifications to language for clearer messaging were requested at the May 2011 meeting.	Modifications have been made and are shown in red.
20.16.230(b)(7) Conservation and Restoration Page 9	Planning Commission (5.17.2011 Workshop)	The code should address Sea Level Rise	A policy statement has been added to ensure Sea Level Rise is addressed in the next SMP Update. Currently there is not enough scientific information to create specific regulations regarding the topic.
20.16.300 Definitions Pages 19-21, 22, & 24	Planning Commission (11.15.2011 Workshop)	The addition of No Net Loss, Will, and Setback were requested as well as minor clarification of the term photic zone.	The code has been revised to include these definitions and minor corrections.
20.16.400 Aquatic Conservancy	Suquamish Tribe (Letter dated 2.23.2010)	Special consideration should be given to shallow closed embayment's such as Mud Bay, Ostrich Bay and Oyster Bay.	These areas are designated as aquatic conservancy which recognizes their unique and fragile ecosystems and prohibits overwater structures such as docks.

Planning Commission Public Hearing  
Attachment I  
Revisions Matrix

<p>20.16.430 Designation of Gorst Creek.</p>	<p>Suquamish Tribe (Letter dated 2.23.2010)</p>	<p>Designating Gorst Creek as commercial does not adequately address the functions and values of the creek. Due to the high habitat functions the creek should be re-designated as conservancy.</p>	<p>No change proposed. Most properties are currently commercially developed. Lots are shallow and do not offer enough space for large buffers and development. The Commercial Designation has a buffer of 50' while Conservancy's buffer is 175'. In most cases lots are not even 175' deep. Such a buffer would eliminate most redevelopment opportunities.</p>
<p>20.16.430(1)(2) Standards for Isolated Designations.  Page 42</p>	<p>Suquamish Tribe (Letter dated 2.23.2010)</p>	<p>Increased stormwater controls and tree preservation criteria should be added to the Isolated Designation. While not physically touching the shoreline, these issues may still impact habitat function.</p>	<p>Isolated designation is required to comply with Citywide stormwater and Critical Area regulations. No change proposed.</p>
<p>20.16.420 Urban Conservancy Designation in Oyster Bay  Map B</p>	<p>Roger Duryea (Letter Dated 3.23.2011)</p>	<p>Only one developable property in Oyster Bay was given a designation of Urban Conservancy. Mr. Duryea has requested this be changed to residential as it is zoned residential and is developable.</p>	<p>The designation has been changed to reflect this request and is identified thusly on the maps.</p>
<p>20.16.430 Page 42 and  Map D</p>	<p>City Staff</p>	<p>The isolated designation needs to be reworded, clarified, and expanded to include properties beyond Shore Drive that are within 200' of the shoreline.</p>	<p>The map of shore drive has been modified and the code section has been clarified. To indicate when the section shall apply and that all local, state, and federal requirements are applicable in these areas.</p>

Planning Commission Public Hearing  
Attachment I  
Revisions Matrix

<p>20.16.400 Elandan Gardens Designation  Map G</p>	<p>Citizen Advisory Committee</p>	<p>Elandan Gardens should be designated as Conservancy not Recreational because the property is used by a “for profit” commercial entity and does not provide free public access. Additionally the site is currently designated as conservancy, and there are high habitat functions surrounding the site.</p>	<p>The maps have been changed to designate Elandan Gardens as Conservancy.</p>
<p>20.16.510(c) &amp; (e)  Page 49, and 55</p>	<p>Planning Commission (9.20.2011 Workshop)</p>	<p>Need to add language about shoreline exemption permit requirements.</p>	<p>Language has been added that indicates that a citizen must apply for an exemption from the City in order to do work that is exempt from a shoreline substantial development permit.</p>
<p>20.16.510(d)  Page 48</p>	<p>City Staff</p>	<p>Language about permit revisions should be added so that an applicant will know if they need a new permit or if they can simply revise their existing permit.</p>	<p>A new subsection (e) has been added that identifies when a permit revisions would be permitted. Language is taken from the WAC about permit revision requirements. While already covered by the WAC it is convenient to have such language in the local code.</p>
<p>20.16.530 Noticing Requirements  Page 57</p>	<p>Suquamish Tribe (Letter dated 2.23.2010)</p>	<p>Requests to review all shoreline applications and all work waterward of the OHWM.</p>	<p>Staff added “tribal” to the noticing requirement section so that it states: Notice to all state, federal, <u>tribal</u>, and local agencies with jurisdiction.</p>
<p>20.16.600 Nonconformities  Page 65</p>	<p>Alan Beam 9.21.2011  Kim Ingham 11.15.2012  Jackie Rossworn 11.29.2011</p>	<p>Name of nonconforming should be changed due to the term’s potential impacts for lending and loan applications.</p>	<p>No change is proposed. Significant deliberation took place at the 3.15.2012 Planning Commission Workshop, determining no change should be made to the name.</p>

Planning Commission Public Hearing  
Attachment I  
Revisions Matrix

<p>20.16.640 Nonconforming  Defining Substantial Destruction  Page 66</p>	<p>Planning Commission (9.20.2011 Workshop)</p>	<p>Clarify the 75% rule. 75% of the assessed value seems straight forward, but 75% of the building's structural components is unclear.</p>	<p>Revised language to use the value only for primary structures – removing language about physical components.  Added language to address accessory structures such as decks or bulkheads that are typically not assessed. For these structures replacement of 75% or more of the structure would equal substantial destruction.</p>
<p>20.16.640(d)(3) Nonconforming Time limit for Substantial Destruction  Page 66</p>	<p>City Staff</p>	<p>There should be some timelines for the calculation to minimize abuse of the provision through phasing.</p>	<p>A sentence establishing that all work conducted in a 5 year period shall be included has been added to address this concern.</p>
<p>20.16.670(d)  Repair and maintenance of nonconforming structures  Page 70</p>	<p>Suquamish Tribe verbal comment</p>	<p>Repair and maintenance of in-water structures should be specifically addressed as they often present unique circumstances not addressed elsewhere. Look to Bainbridge Island for language.</p>	<p>Added language sets specific standards for in-water structures establishing that the replacement of more than 75% of each component (decking, piling, or structural member) is measured against the 75% rule separately because typically they are replaced at different times.</p>
<p>20.16.700 Wetland Mitigation Ratios  Page 74</p>	<p>Ecology (Letter dated 11.3.2011)</p>	<p>Use the Ecology guidance document for mitigation ratios and wetland buffers.</p>	<p>Revised language reflects the suggested change. Generally this represents a decrease in buffer size for low functioning wetlands and an increase for high functioning wetlands.</p>

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20.16.710 Buffers and Setbacks  Page 75	Ecology (Letter dated 11.3.2011)	Warns that using a 20% buffer may not be adequate and 30% is more widely accepted. Substantial rationale will be necessary to utilize 20%.	No change is proposed. With the existing developed and degraded nature of most buffers within the City it is believed that better overall function will be gained through vegetation enhancement required for all new and re- development rather than a larger dimensional standard.
20.16.710 Buffers and Setbacks  Page 75	Ecology (Letter dated (Letter dated 11.3.2011)	A minimum buffer size should be added	A minimum of 10' has been added.
20.16.710 Buffers and Setbacks  Page 75	Alan Beam (Letter dated 9.20.2011)	A maximum buffer size should be established.	Staff has added a 100' max.
20.16.710(1) (xii) Buffer and Setback Averaging  Page 76	Planning Commission (7.19.2011 Workshops)	Add language to allow buffer averaging for new residential development so that a new home may be located closer to the water than the standard buffer would allow provided it is in line with the other existing buffers on adjacent properties.	Revised language allows for buffer averaging when 60% of the houses in a numbered block on the waterward side are setback less than the code requires. It also requires a minimum 10' buffer and 5' setback.
20.16.710(2) Buffer Exemptions  Page 76	Ecology (Letter dated 11.3.2011)	Clarify what is meant by the exemption for water oriented development from buffers. State does not recognize them as exempt from all buffer requirements.	Revised language to only exempt the portion of the development that cannot be located outside the buffer.

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20.16.710(b)(x) Buffers  Page 76	Ecology (Letter dated 11.3.2011)	Remove language allowing Low Impact Development in the buffer. Language is generally unclear without proper rationale.	Language has been removed.
20.16.710(b) (xiii) Fences in buffers  Page 76	Code Enforcement Officer	The code should address fences in the buffer as it is an issue that will come up regularly.	Language has been added to clarify when and where a fence would be allowed.
20.16.720(b) Vegetation Management  Pages 77- 80	Ecology (Letter dated 11.3.2011)	~Do not exempt water dependent uses.  ~Revise tree standards because 4' tall trees may not be likely to survive as younger, smaller trees.	~Removed the exemption for water dependent uses.  ~Removed size requirement for trees.
20.16.720(b) Vegetation Management  Pages 77-80	City Staff and Planning Commission	Commercial and residential standards seem almost the same and should be combined for readers ease.	Combined commercial and residential into one single section.
20.16.720(b) Vegetation Management  Page 78	Community Members (General comments to staff)	Vegetation is likely to block views and that planting densities seem too high.	~Added language to ensure view preservation as a reason to group trees.  ~Remove the numerical standards for the number of trees and shrubs.
20.16.720(b) Exemptions  Page 79	Ecology (Letter dated 11.3.2011)	Clarify when a project is “minor” and is exempt from providing a vegetation management plan.	The section has been clarified to indicate that minor expansion of an existing nonconforming structure may be exempt.
20.16.670(b) (vii) Vegetation Enhancement – Bond requirements  Page 78	Planning Commission (7.19.2012)	More clarity is needed to determine what features are to be included in the bond requirements.	Language has been revised to indicate the costs of the plantings are to be included.

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20.16.740 Public Access  Page 83	Ecology (Letter dated 11.3.2011)	~ Modify language requiring a Conditional Use Permit for reduced hours of public access as it is not a requirement of Ecology.  ~Remove language that allows cost as a rationale for reduced access.	~ The requirement for a Conditional Use Permit has been removed. The installation of the access will be a part of the larger permit application, thus it and a potential reduction in hours can be reviewed all together as a whole project. ~Cost has been removed from the list of reason for reduced access.
20.16.760 Archaeologically sensitive Areas  Pages 85-86	Suquamish Tribe (Letter Dated 2.23.2011)	Recommends several minor wording changes to better address cultural resources and to identify the Suquamish Tribe as an authority in such matters.	All wording changes suggested are incorporated in the document.
20.16.790 (a) Use Table  Page 88 - 91	City Staff	Use table is difficult to read and requires Conditional Use Permits (CUP) in areas that seem unnecessary and not required by the State.	After discussing with Ecology, Use Table has been revised to read easier and reduces the number of uses that require CUP's.
20.16.790(b) Height Table Page 91	Dana Hamar 9.27.2011	Suggests increasing residential heights to 28'.	Residential heights have been increased to 35 with a pitched roof, 30 without.
20.16.790(b) Heights Table  Page 91	Planning Commission 2.21.2012	Language should be clarified regarding gables so as to ensure they are not permitted to block views in locations where pitched roofs are intended to preserve views.	Language has been added stating that gables etc. are permitted provided such features do not extend past the pitched roof where views are intended to be preserved.
20.16.790 (b) Height Table  Page 91	Bill Broughton 4.10.2012	Heights should be increased from 35' to 80' for commercial and 60' for residential in the area zoned Employment Center to better match the zoning code.	No change is proposed. Increased height above 35' would require substantial study to ensure No Net Loss. While downtown has heights above 35' these heights are existing in the current code.

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20.16.880(b)(3) Residential - Floating Homes  Page 106	Ecology (Letter dated 11.3.2011)	Match the WAC which only allows for a live- aboard vessel, not floating homes.	The section has been edited to remove floating homes.
20.16.890 Utilities  Page 110	Puget Sound Energy (Discussion with Linda Streissguth)	Underground utilities should not be a requirement as it is often cost prohibitive and can be more environmentally damaging than above ground measures.	Code has been revised to say that undergrounding of utilities is encouraged but not required.
20.16.930 (b)(14) Docks  Page 116	Washington State Ferries (Letter dated 8.30.2011)	~Light penetration by way of grating is an unworkable solution for the Ferries. Grating would allow grease, oil, and other contaminants to fall into the water and would not meet the ADA requirements for loading and unloading ramps.	~The code has been revised by adding language exempting grating when it would pose a public safety or environmental risk.
20.16.930(b)(11) Docks  Page 116	Karen Danis – Citizen Advisory Committee	Clarify that mooring buoys are prohibited in the aquatic conservancy zone.	Language has been added.
20.16.930 (b)(14) Docks  Pages 116-117	Ecology (Letter dated 11.3.2011)	Language should be consistent with the new Army Corp of Engineers permit requirements.	Language has been revised to require grating over at least 40% of dock surfaces where at least 60% of the dock has such light penetration as is required by the Army Corp of Engineers permit.

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20.16.930(b)(15) Residential Docks  Page 117	Ecology (Letter dated 11.3.2011)	~ Need to add a statement noting that docks shall be the minimum length necessary.  ~ Dock depth should achieve 10' to 13' deep to reduce the risk of scouring or bottoming out of many boats.	~ A statement has been added stating that the dock will be the minimum length necessary.  ~ The code has been revised to require 10' depth.
20.16.930(b)(15) (iii) Residential Dock size	Ecology (Letter dated 11.3.2011)	Revisions are needed to comply with the new State standards for dock. ~ "T" shape is not allowed ~ Pier max width is 4' ~ Float max width is 8' ~ Landing should be north south.	This section has been significantly revised to represent the new State requirements.
20.16.930(b)(15) (iv) Joint Use Docks  Page 117	Ecology (Letter dated 11.3.2011)	Joint use docks need specific requirements separate from community docks.	Joint Use Dock standards have been added to the residential dock standards. Community docks are separate.
20.16.940(a)(1) & (2) Dredging  Page 118	Ecology (Letter dated 11.3.2011)	Replace language with alternate language that more clearly explains the intent.	Language has been revised.
20.16.960(b)(1) (vi) Landfills  Page 121	Ecology (Letter dated 11.3.2011)	Add the word "approved" for referencing restoration or enhancement projects allowed under this section.	Language has been revised.
20.16.980 Shoreline Stabilization  Page 124	Ecology (Letter dated 11.3.2011)	Remove first sentence to reduce confusion.	Sentence removed.
20.16.980(b)(2) Shore modifications  Page 125	Ecology (Letter dated 11.3.2011)	Revise, message is unclear. Suggested language was provided in letter.	Suggested language was used, additional clarification was drafted by Staff to help section read more clearly.

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20.16.980(b)(9) Bulkheads  Page 126	Judy Friedberg – Nerf	Clarify language relating to bulkheads tying into another for clarity.	Language has been added noting the goal of eliminating a gap between two structures.
20.16.980(b)(12) (iii)(b) Groins  Page 128	Ecology (Letter dated 11.3.2011)	Clarification regarding when such projects would be appropriate is needed.	Added recommended language clarifying that Federal and State approved projects are appropriate.
20.16.990 Stormwater  Page 131	City Staff	Remove statement 3 because it is unclear and unnecessary.	Statement 3 has been removed.
Inventory and Characterization	Richard Nerf (Letter Dated 8.10.2010)	Information presented on maps should be clearly labeled, typos corrected, and colors should be clearly differentiated.	Typos and maps have been corrected.
Inventory and Characterization	Alan Beam 9.20.2011	Grass is listed as having the same ecological value as pavement. This is inaccurate and should be corrected.	Language has been clarified. Grass provides very little stormwater filtration and concrete has none.
Restoration Plan and Cumulative Impact Analysis	Richard Nerf (Letter dated 1.17.2012)  Judy Friedberg Nerf (Letter dated 1.19.2012)	Numerous inaccuracies, typos, grammatical errors, and details need to be corrected.  The reports appear to be boiler plates and do not represent Bremerton specifically.	Significant editing has taken place – documents are substantially revised to reflect these comments.

## Shoreline Master Program Update Public Comment List

ITEM/ TAB NO.	PERSON/AGENCY/AFFILIATION	DATE RECEIVED
1	Richard Nerf – Citizen Advisory Committee/ Shoreline Property Owner Comments on Inventory and Characterization Maps	August 10, 2010
2	Allison O’Sullivan – Suquamish Tribe General recommendations about what subjects the tribe will be focusing on in their review	February 23, 2010
3	Roger Duryea – Shoreline Property Owner Request for Shoreline Designation change	March 23, 2011
4	Theresa Nation – Department of Fish and Wildlife Encouraging coordination and environmental protection	April 15, 2011
5	Larry Matel – Bremerton Engineering Department No concerns about proposed language for utilities	July 12, 2011
6	Judith Friedberg-Nerf – Citizen Advisory Committee/ Shoreline Property Owner Comments about clarification, typos and formatting. Encouraging the City to take a proactive stance for education and restoration.	July 18, 2011
7	Kojo Fordjour – Washington State Ferries Request for revised language relating to ferry docks.	August 25, 2011
8	Stephanie Trudel – Suquamish Tribe Requests alternate language relating to areas with cultural resources.	August 30, 2011
9	Alan Beam – Shoreline Property Owner Requests a maximum buffer width, clarification of Science, and encourages utilization of SHB 5451 by changing the name of nonconforming structures to conforming.	September 20, 2011
10	Dana Hamar – Shoreline Property Owner General questions and a request for heights of at least 28’.	September 27, 2011
11	Barbara Nightingale – Department of Ecology Several comments and suggested changes for the SMP	November 3, 2012
12	Kim Ingham – Shoreline Property Owner Provided information about how her bank processes loans	November 15, 2011

ITEM/ TAB NO.	PERSON/AGENCY/AFFILIATION	DATE RECEIVED
	on non-conformities and what the County has proposed.	
13	Jackie Rossworn – Kitsap Alliance of Property Owners Bremerton should utilize Substitution Senate Bill 5451 in relationship to nonconformities.	November 29, 2011
14	Richard Nerf – Citizen Advisory Committee/Shoreline Property Owner Recommends correction of many typos and formatting of the Restoration Plan and Cumulative Impact Assessment.	January 17, 2012
15	Judy Friedberg-Nerf Citizen Advisory Committee/Shoreline Property Owner Recommends correction of many typos and formatting of the Restoration Plan and Cumulative Impact Assessment.	January 19, 2012
16	Bill Broughton – Shoreline property owner Heights should be increased in commercial areas outside of Downtown, specifically in the Employment District Zone where height limits are 80'. 80' for commercial and 60' for residential seems appropriate rather than the 35' proposed in the Shoreline Master Program.	April 10, 2012

Record as of May 8, 2012

**Nicole Floyd**

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**From:** Richard Nerf [rbnerfjr@comcast.net]  
**Sent:** Tuesday, August 10, 2010 3:28 PM  
**To:** Nicole Floyd; dsherrard@parametrix.com; jcassin@parametrix.com  
**Subject:** Comments on SMP document draft

Nicole, Jan, David,

Here are some comments on the SMP draft that I received on a CD.

\*\*\*General observation: Throughout the document, there are references to geographical locations that are not labeled on any map. One cannot assume that the reader is familiar with locations referenced only by name.

In the following, I have used "page xx of 122" to indicate the location within the pdf document, since the printed pagination is inconsistent.

page 43 of 122 -- line 2 -- Geologic geometry description appears to be internally inconsistent. I believe that changing "overlain" to "overlying" will fix the problem.

page 68 of 122 -- line 4 -- "Phosporuous" should be "phosphorus"

page 86 of 122 Section 3.13 *Dyes Inlet Watershed* -- "Navel" should be "Naval"

page 92 of 122 -- Section 4.1 Kitsap Lake -- Kitsap Lake Park is a Bremerton City Park, not Kitsap County

page 97 of 122 -- Section 4.10 Ostrich Bay Peninsula and East Ostrich Bay -- *Ostrich Bay Peninsula* is an unfamiliar term; local names for the two peninsulas adjacent to Ostrich Bay are Madrona Point, and Marine Drive.

Map 1 -- I don't understand why the SW UGA shorelines are colored, but the in-city (and other UGAs) shorelines are not.

Map 3 -- Doesn't show topography, and is not referenced in text.

Map 4b -- Magenta overlay obscures the soil-type near the shoreline. Mapped soil colors are impossible to distinguish without on-map notation.

Map 4d -- Cannot distinguish colors for "Low Bank" from "Varied", nor "Clay" from "Mud".

Map 7c -- Magenta overlay, political boundaries obscure fish habitat coloring.

Map 8 -- Magenta overlay, political boundaries obscure nearshore vegetation coloring. Kelp colors hard to distinguish from Marsh colors

Map 10 -- Magenta overlay, political boundaries obscure landuse colors. Legend doesn't need "Perennial Ice & Snow" category.

Map 11 -- No data? Color for city boundary may not contrast well with color for 90-100% coverage.

Map 12 -- Color confusion between "Shoreline jurisdiction", "Sediment Bioassay", and Waterbody "2"; Waterbody "4C" looks like "Waterbody" and could be confused with "Total Phosphorus"

Map13 -- NAD Marine Park is mis-located; confused with Upper NAD Park. Forest Ridge Park not labeled.

Map 14 -- SR310 label obscures some shoreline. "City Core" and "Low Density" residential not resolved. Color scheme sometimes confusing. Usual problem with magenta "Shoreline jurisdiction".

Maps 15-16 -- Usual problem with magenta "Shoreline jurisdiction".

Richard Nerf

**Nicole Floyd**

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**From:** Alison Osullivan [aosullivan@suquamish.nsn.us]  
**Sent:** Wednesday, February 23, 2011 2:10 PM  
**To:** Nicole Floyd  
**Cc:** Steve Todd  
**Subject:** Bemerton SMP (I/C comments)

Nicole,

As you know the proposed project is within the usual and accustomed fishing areas of the Suquamish Tribe. The Tribe seeks protection of all treaty-reserved natural resources and cultural resources. The Tribes primary concerns are treaty resources, cultural resources, habitat, and water quality. My comments are as follows. Some are relevant now and some are suggestions for development of the regulations:

- The city should address threatened and prohibited shellfish harvest areas (Mystery Bay is an example [http://www.dnr.wa.gov/ResearchScience/News/Pages/2010\\_04\\_01\\_mystery\\_bay\\_nr.aspx](http://www.dnr.wa.gov/ResearchScience/News/Pages/2010_04_01_mystery_bay_nr.aspx)). Both Ostrich and Oyster Bay are priority areas for the Tribe. The City should work cooperatively with the Washington State Department of Health and the Suquamish Tribe on plans to restore shellfish harvest areas within the city limits.
- Regulatory and Legal Framework: Policies and regulations should summarize the Boldt Decision and the Rafeedie Decision. Mystery Bay legal framework [www.ora.wa.gov/documents/mystery\\_bay\\_legal\\_framework.pdf](http://www.ora.wa.gov/documents/mystery_bay_legal_framework.pdf) is a good example.
- Mechanisms for removal of obsolete, non-functioning and un-necessary over-water and nearshore structures should be removed. This would be beneficial to the city as well as there were some issues with getting condemned overwater buildings removed.
- Encourage joint use and/or community access points whenever possible to reduce impacts to shoreline habitat and associated buffers.
- To allow for climate change/sea level rise stabilization structures and stabilization measures should be located above the Ordinary High Water Mark (OHWM) at a minimum (not MHHW as the USACOE allows). This will also reduce the need for emergency permitting. In addition, supporting documentation should be provided as to why stabilization structures are necessary. They should only be allowed if there is a need hardened structures only if there is proven need and primary structures are in imminent danger.
- Provide protections for Washingtons Sensitive species and Candidate species as well as the Threatened and Endangered. These include wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened without cooperative management or removal of threats.
- Tribal treaty issues such as access and harvest should be addressed in both policies and regulations in addition to archaeological resources. The SMP should support and protect the rights of treaty tribes having usual and accustomed fishing, shellfish harvesting and gathering areas within any shoreline which is under the City's jurisdiction. This includes the Tribal right to

fish and have safe access. Although the Suquamish Tribe currently does not harvest fishery resources within some areas of the city due to contamination issues, the Tribe's goal is to be able to harvest Tribal trust resources in the future. This will require unobstructed, safe access to these resources and adequate protection of habitat and water quality. Nothing in the City of Bremerton Shoreline Master Program or actions taken under thereof shall affect any treaty right to which the United States is a party.

- Enforcement mechanisms should be included and are extremely important in assuring protection of shoreline environments, preserving public use and assuring implementation of shoreline use decisions. Enforcement usually consists of: field inspection, permit compliance, violation investigation, pursuing enforcement action, education of public (landowners may be unaware of SMA or SMP requirements), and inter-agency coordination.
- The Suquamish Tribe requests to review all shoreline applications when deemed complete by the City regardless if they qualify for shoreline exemptions, variances or SSDP's.
- In water work/projects/buoys may impact the Tribes ability to access treaty resources by creating navigational obstructions, increasing boat traffic or impact habitat. All projects waterward of the OHW mark should be coordinated with the Suquamish Tribe so that input and recommendations can be provided on how to avoid, minimize or mitigate potential impacts.
- Special priority considerations should be given to shallow closed embayments such as Mud Bay, Ostrich Bay and Oyster Bay (not sure if the wetland designation will cover this concern or if additional provisions are needed).
- Add disclosure that the DNR hydro layer map has significant shortfalls with regard to habitat and fish use.

Thank you for the opportunity to review and comment on this proposal (sorry for the delay). If you have questions regarding these comments please feel free to contact me at 360-394-8447.

Sincerely,  
Alison O'Sullivan  
Biologist, Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392  
phone: 360-394-8447  
fax: 360-598-4666

RECEIVED  
City of Bremerton

MAR 23 2011

Department of  
Community Development

P.O. Box 582  
Bremerton, WA 98337  
March 23, 2011

City of Bremerton Planning Department  
ATTN: Nicole Floyd  
345 6<sup>th</sup> Street ; Suite 600  
Bremerton, WA 98337

RE: Shoreline Master Program  
Marine Drive/Kelly Road area

Dear Nicole,

I have reviewed the proposed change in land use to Urban Conservancy on property I own located on Marine Drive referenced by tax parcel No. 152401-2-127-2004.

I am vehemently opposed to the proposed change and would propose an alternative to the zone change to *Shoreline Residential*. It is my plan to build on that portion of waterfront lying on the southwesterly portion of the waterfront parcel which is triangular in shape.

Your consideration of the above recommendation is requested. Thank you.

Best Regards,

  
Roger Duryea

4/15/2011

Comments from WDFW by reach, on the draft shoreline designations for Bremerton:

Port Washington Narrows (EPWN) 5: This reach has a parallel designation. We are pleased to see the designation along the shoreline go from Urban Commercial to Urban Conservancy. This will help provide a cushion between the commercial upland and the kelp habitat in the nearshore. Since kelp beds are considered critical areas, they warrant specific protection. Kelp can be affected by stressors such as water turbidity, which affects ambient light levels necessary for growth, and sedimentation, which may prevent spores or zygotes from attaching to the bottom substrate or (Mumford, 2007). We hope that riparian vegetation in this reach, as well as in other reaches with kelp beds, will be conserved to the maximum extent in order to help preserve water quality and minimize sediment runoff from the area immediately upland. We also suggest considering Low Impact Development (LID) techniques as a tool for protecting water quality.

Gorst Creek (GC) 1-5: We suggest coordination with the Gorst Watershed Planning project that is currently under way by the city. Tom Knuckey is the project manager for Bremerton, and Bill Webb is the project manager representing Parametrix ((360) 850-5303). There is spatial overlap between the two projects. It appears that the SMP is further along in development, and it may be that the SMP is intended to inform the watershed planning effort. However, that is best discussed amongst the involved planners.

Citation:

Mumford, T.F. 2007. Kelp and Eelgrass in Puget Sound. Puget Sound Nearshore Partnership Report No. 2007-05. Published by Seattle District, U.S. Army Corps of Engineers, Seattle, Washington. Available at [http://www.pugetsoundnearshore.org/technical\\_reports.htm](http://www.pugetsoundnearshore.org/technical_reports.htm).

**Nicole Floyd**

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**From:** Larry Matel  
**Sent:** Tuesday, July 12, 2011 10:30 AM  
**To:** Nicole Floyd  
**Subject:** FW: SMP Language

My comments.

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**From:** Larry Matel  
**Sent:** Tuesday, July 12, 2011 10:29 AM  
**To:** Paul Wandling; Ned Lever; Thomas Knuckey  
**Cc:** Patric Coxon; Wayne Hamilton  
**Subject:** RE: SMP Language

I take no exceptions to the proposed SMP language.

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**From:** Paul Wandling  
**Sent:** Tuesday, July 12, 2011 10:08 AM  
**To:** Ned Lever; Thomas Knuckey; Larry Matel  
**Cc:** Patric Coxon; Wayne Hamilton  
**Subject:** FW: SMP Language

This language will affect what we can do with utilities and streets within 200 feet of the Shoreline. The document is a draft that has been developed by a consultant working for DCD ... Nicole feels we should have the opportunity to review and comment.

This language, once accepted, will become part of the City's Shoreline Code and will be enforced and interpreted through a landuse approval process on all public and private street and utility projects within 200 feet of the shoreline.

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**From:** Nicole Floyd  
**Sent:** Monday, July 11, 2011 4:02 PM  
**To:** Paul Wandling; Larry Matel  
**Subject:** SMP Language

This is another section of the SMP I would like you to review and comment on. I did not realize there was two sections. Sorry for the inconvenience.

**780 ROADS, RAILWAYS, AND UTILITIES:**

Roads, railways and utilities are necessary to provide efficient public circulation and the shipment of goods and services. These transportation circuits can include but are not limited to roads, highways and interstates, rail lines and spurs, public service water and sewer mains, power generation, transmission and distribution facilities, and wireless communication facilities.

(a) Policies:

- (1) All new roadways, arterials, utilities and railways, including expansions of these systems, should be designed and located to minimize impacts to shoreline ecological function including riparian and near-shore areas, and the natural landscape.

- (2) Location and design of new roadways including arterials should not compromise existing and planned shoreline public access and existing and planned habitat restoration and enhancement.
- (3) New roadways when necessary to be located within shorelines, should be designed in such a manner that the minimum width and length of travel-way for vehicles is provided and that an appropriate amount of travel way is devoted to the pedestrian and/or multi-modal forms of transportation.
- (4) New roadways should be designed and constructed to implement a range of available Low Impact Development techniques.
- (5) Utilities for the delivery of services and products such as but not limited to public sewer, water and storm mains and services, pipelines, power and transmission facilities should be located outside of shorelines, critical areas and their associated buffers unless intended specifically for a permitted use.
- (6) Whenever feasible, utilities should be co-located within existing right-of-way corridors.
- (7) Installation of utilities including maintenance and expansion of existing utilities should improve the project area from its original condition by native vegetation management or providing public access to the shoreline when practical.

gulations:

- (1) New roadways, utilities and railways shall mitigate their impacts such that the result is a no net loss of shoreline ecological function.
- (2) New or substantially expanded roads, railroads, and bridges may be located within shoreline jurisdiction only if:
  - (i) The facility is needed within the shoreline jurisdiction to support permitted shoreline activities.
  - (ii) No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.
- (3) Transportation facilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts to result in no net loss of ecological processes and functions.
- (4) Where permitted, facilities shall meet the following design criteria:
  - (i) Roads, railroads, and bridges shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial environmental damage.
  - (ii) The project shall be located and designed to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
  - (iii) Facilities located within Critical Areas, particularly in wetlands areas should be designed to avoid the resource, and may be permitted only if in compliance with those standards.
    - (a) That the construction is designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.
    - (b) That all debris, cut and fill material, overburden, and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.
    - (c) Provide for passage of high flows, flood waters, debris, fish passage, and wildlife movement by providing bridges with the longest span feasible and the greatest height feasible. When bridges are not feasible, providing culverts and other features that are large enough to provide for these functions.
    - (d) Provide facilities for safe pedestrian and other non-motorized travel along all public integrated with trail and bicycle systems along shorelines to the maximum extent feasible. When public roads will afford scenic vistas,

viewpoint areas shall be provided.

- (e) Landscape planting is required along all shoreline roads, parking, and turnout facilities to:
  - (1) Provide buffers between pedestrian and auto users;
  - (2) Enhance the shoreline driving experience; and
  - (3) Enhance and complement potential views of shoreline areas.
- (5) In order to improve public access to the shoreline the City should acquire and/or retain abandoned or unused road or railroad rights-of-way for public access to and/or along the water.
- (6) Road ends abutting water bodies shall be reviewed for potential use and development for public access to the water, and incorporate into the City's Comprehensive Public Access Plan as appropriate.
- (7) The City shall not vacate any public right-of-way in a shoreline location until adopting a Comprehensive Public Access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The City shall vacate public right-of-way abutting a body of salt or fresh water only in compliance with RCW 35.79.035 which allows vacations of streets abutting bodies of water only when:
  - (i) The vacation will enable acquisition of the property for public purposes;
  - (ii) The street or alley is not suitable for certain purposes (e.g. port, park, education); or
  - (iii) The vacation will enable implementation of a public access plan.
- (8) New or substantially expanded utilities may be located within shoreline jurisdiction only if:
  - (i) The facility is needed within the shoreline jurisdiction to support permitted shoreline activities;
  - (ii) No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface; and
  - (iii) Facilities will not destroy or obstruct scenic views.
- (9) Utilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts to result in no net loss of ecological processes and functions.
- (10) Utilities, where permitted, shall meet the following design criteria:
  - (i) Facilities should occupy as little of the shoreline as feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. Utilities shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial significant environmental damage.
  - (ii) Utilities shall be located and designed to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
  - (iii) Facilities shall be located and designed to minimize obstruction of scenic views.
  - (iv) Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event the need for maintenance or

replacement.

- (11) Facilities involving buildings, such as pump stations, electrical substation, or other facilities, shall be enclosed by architecturally compatible structures to the extent feasible and shall be landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.
- (12) Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction
- (13) Undergrounding: New utility lines, including electricity, communications and fuel lines, shall be located underground, EXCEPT where the presence of bedrock or other obstructions make such placement infeasible.
- (14) Easements: Access easements to utility installations shall be no wider than needed to construct, maintain, or repair the utility.
- (15) Public Access: Utility development shall provide for compatible, multiple use of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.
- (16) Maintenance Projects: Upon completion of installation and maintenance projects on shorelines, they shall be restored to pre-project configuration, replanted with native species, and provided maintenance care until the newly planted vegetation is established. A landscape restoration plan will be required.
- (17) Storm Drainage/Sewer Outfalls: Storm drainage and sewer outfalls shall be located beyond the extreme low tide line.
- (18) Applications: All applications for installation of utility facilities shall include the following:
  - (i) Reason why facility must be located in a shoreline area;
  - (ii) Alternative locations considered and reasons for their rejection;
  - (iii) Location of other facilities near the proposed project and if the location is to include other types of facilities;
  - (iv) Proposed method of construction and plans to control erosion and turbidity during construction;
  - (v) Plans for reclamation of areas disturbed during construction;
  - (vi) Possibility for location of proposed facility within existing utility right-of-way; and
  - (vii) Any other information deemed necessary.

Sincerely,

*Nicole Floyd*

City of Bremerton  
 Land Use Planner  
 phone: (360) 473-5279  
 fax: (360) 473-5278

**Nicole Floyd**

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**From:** Judith Friedberg-Nerf [jnerf@comcast.net]

**Sent:** Monday, July 18, 2011 12:48 PM

**To:** Nicole Floyd

**Subject:** comments - smp attachment 1 table

Nicole,

I'm slowly recovering from some summer bug that decked me this week. I may or may not be able to attend Tuesday evening's Planning Commission meeting - therefore this note for you to share with PC, and a few additional comments. Please feel free to circulate to committee members as well.

Thanks for the opportunity to make further comment.

Judy

**Re: Attachment I - the table reflecting topics requiring further clarification.**

General standards section:

pg 2: re: 20.16.670(b) - I believe page reference should be 13

Use regulations section:

pg 2: re: 20.16.750(b)(20)(a) - I believe reference should be 20.16.750(b)(viii)(a)

Shore modification section:

pg 3: re: 20.16.860(b)(9) - I believe this was my question. Thank you for the clarifying comments. Though I understand this language is in existing code, I still find the statement "bulkheads/seawalls may tie in flush with existing bulkheads/seawalls on adjoining properties" incomplete because it does not reflect the intent as stated in staff response column, Attachment I. Might consideration be given to either adding words to the policy statement, or adding an additional sub-statement (iii) to reflect the intent .... eg: " such that there is no gap between the two which could harm the structural stability of one or the other bulkheads/seawalls ..." This modification would parallel policy sub-statements such as in (11)(iv), (11)(v), (12)(iii).

**Comment about formatting:**

In June chapter drafts, particularly in Chapter 20.16.700, numerous indentation inconsistencies were visible. I would be happy to review a print copy to mark these.

**My notes from June meeting re: corrections that may or may not have been addressed or subsequently edited. These do not appear in Attachment 1 table. Page numbers reference June chapter drafts:**

**20.16.600**

pg 2: print order of wetland categories in Wetland Mitigation Type & Replacement chart should be the same as preceding chart.

pg 3: designation labels in chart should align left - a question was raised whether to include category "Isolated" in chart.

pg 4: (iii)(a) - line 2 - add the word "and" at the end of statement

pg 4: (v) would it clarify to add word "ramps"?

pg 4: 20.16.620(a)(1) - line one - spelling error, delete "s" in "nears"

pg 5: (1) - line 3 - correct reference "for single family see (b) below" - there is no (b)

pg 5: (1)(ii) - there was committee discussion as to whether this statement applies to City parks

pg 6: (3) - committee questions were raised about this policy - clarification requested

pg 6: (4) - line one - delete word "lawfully"

pg 8: under (b) requirements - add (2) water dependent and elaborate

pg 8: (b)(1)(ii) - questions were raised about whether this is the correct placement for this statement.

pg 11: 20.16.650(a)(3) references herbicides and fertilizers - add (iii) and (iv) to address each

pg 14: delete first sentence at top of page

#### **20.16.700**

pg 6: (B)(2) - committee discussion suggested this become a policy statement

pg 8: 20.16.750 (a)(8) - committee requested wording of this policy be clarified

#### **20.16.800**

pg 3: (4) at top of page to be deleted

pg 3: (8) - code enforcement officer recommendations for revision should be made

pg 6: 20.16.830(a)(3) - delete this policy statement

pg 10: 20.16.860 - delete last line in leading paragraph, before policy statements appear.

pg 14: (11) i - I have a note the last sentence needs to be clarified

#### **Comments in general:**

Please clarify how shoreline policies and regulations apply to property owners who are not applying for permits. If a person is making property or structural modifications that do not require permits, are they bound by the regulations just the same as if permits were required? Assuming this is so, is there an appropriate place within the document to state this? If this is not the case, why not?

Where ever possible throughout the document, or through whatever means necessary, I urge the City to take a proactive stance in educating Bremerton residents and business owners/operators in becoming familiar with harmful practices that negatively impact shoreline and marine and lake/stream water habitats while advocating for beneficial, responsible practices. (harmful practices of concern to me: car wash runoff, pet waste, using storm drains and tidal waters for disposal of yard waste debris and/or chemical disposal) One positive example of public education is the Health of Puget Sound display recently installed at Lions Park. We can and should do more, much more, in helping educate the public about positive impacts thoughtful citizen actions can bring about. We are a community with many miles of shoreline. Shorelines and waters are among our greatest resources. How we care for these assets projects an image of the kind of community we are - and all positive efforts serve as beacons to visitors and potential investors. I frequently hear citizens petitioning Council to "do something to attract business here". It's my hope that when we submit the finalized version of SMP revision that it not only reflects adherence to state mandates and directives, but that it clearly reflects and states community desire, commitment and pride in taking ownership in protecting these assets and resources. Surely this image will translate into economic benefit for the City while further enhancing the quality of life for those of us who live, work and play in Bremerton.

**Nicole Floyd**

**From:** Fordjour, Kojo [FordjoK@wsdot.wa.gov]

**Sent:** Thursday, August 25, 2011 9:41 AM

**To:** SMP

**Subject:** Shoreline Master Program Update

Thank you for the opportunity to review the City of Bremerton Shoreline Master Program update. I have one comment regarding grating for light penetration of docks and piers.

Section 20.16.820(b)(14), Light Penetration: All piers and docks must achieve light penetration by grating or other means as follows:...

This provision is not feasible for docks that carry automobiles, and for walk-on pedestrians such as ferry terminals because open grating can be a public safety risk, and does not meet ADA standards. It allows automobile grease, oil and other contaminants to fall or drain directly into the water, and prevents collection and treatment of storm water. Washington State Ferries recommends the following language modification: "All piers must achieve light penetration by grating or other means as follows except where there is public safety risk or environmental pollution."

Please call me if you wish to discuss this further or have any concerns.

Sincerely,

*Kojo Fordjour*

Kojo Fordjour, AICP  
Environmental and Permitting Manager  
Washington State Ferries  
2901 3rd Ave # 500  
Seattle, WA 98121  
(206) 515-3650, (206) 669-1590 -cell  
(206) 5153740 Fax

## Nicole Floyd

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**From:** Alison Osullivan [aosullivan@suquamish.nsn.us]  
**Sent:** Friday, January 20, 2012 3:44 PM  
**To:** Nicole Floyd  
**Subject:** FW: Changes to Bremerton SMP Cultural Resources Section

**Attachments:** Changes to Bremerton SMP Cultural Resources.doc



Changes to  
Bremerton SMP Cultu.

It was Stephanie. Her contact info is below.

Alison O'Sullivan  
Biologist, Suquamish Tribe  
18490 Suquamish Way  
P.O. Box 498  
Suquamish, WA 98392  
phone: (360) 394-8447  
fax: (360) 598-4666

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From: Stephanie Trudel  
Sent: Tue 8/30/2011 3:52 PM  
To: 'Nicole.Floyd@ci.bremerton.wa.us'  
Cc: Alison Osullivan; Dennis Lewarch  
Subject: Changes to Bremerton SMP Cultural Resources Section

Hi Nicole,

Alison O'Sullivan had asked me a few weeks back to look over the wording regarding cultural resources in the City of Bremerton's Shoreline Master Program. I searched the City of Bremerton's website and under the "Documents and Reports" section for the Shoreline Master Program I found "Attachment III - General Standards and Regulations" with a section about archaeologically sensitive areas. I'm not sure if there are other documents available on-line that mention cultural resources? I ended up copying and pasting the text from the "20.16.660 Archaeologically Sensitive Areas" section into a word document, and making a few changes (which I have highlighted in yellow for your review). Thanks for the opportunity to make comments!

-Stephanie

Stephanie Trudel  
Archaeologist  
Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392-0498

(360) 394-8533

strudel@suquamish.nsn.us <mailto:strudel@suquamish.nsn.us>

## Nicole Floyd

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**From:** Stephanie Trudel [strudel@Suquamish.nsn.us]  
**Sent:** Monday, January 23, 2012 10:41 AM  
**To:** Nicole Floyd  
**Subject:** RE: Bremerton SMP

Hi Nichole,

Thanks for your e-mail. I think the highlighted sections are fine.

Thanks again,  
Stephanie

Stephanie Trudel  
Archaeologist  
Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392-0498  
(360) 394-8533  
[strudel@suquamish.nsn.us](mailto:strudel@suquamish.nsn.us)

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**From:** Nicole Floyd [mailto:Nicole.Floyd@ci.bremerton.wa.us]  
**Sent:** Friday, January 20, 2012 4:09 PM  
**To:** Stephanie Trudel  
**Subject:** Bremerton SMP

Stephanie,

I am working on making the corrections you suggested a while back. I have made the following changes, but wanted to get your input on them. You had suggested replacing sites with historic, cultural, scientific, or educational value with just cultural resources. I hesitate to do that because it seems like the list is useful in providing examples. I highlighted what I did and am wondering if you think it works?

) Policies:

(1) Prevent the destruction of or damage to any cultural resources and any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including The Suquamish Tribe, and the Washington State Department of Archaeology and Historic Preservation.

(2) Land owners should provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.

(b) Regulations:

(1) The City will work with tribal, state, federal, and other local governments as appropriate to identify significant cultural resources, and local historical, cultural, and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.

(2) Owners of property containing identified historical, cultural, or archaeological sites should coordinate well in advance of application for development to

assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, the Suquamish Tribe Archaeology and Historic Preservation program, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.

(3) Upon receipt of an application for a development in an area of known cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, and the Suquamish Tribe Archaeology and Historic Preservation Program..

(4) If historical, cultural, or archaeological materials, sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the City. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and the Suquamish Tribe Archaeology and Historic Preservation Program. The reviewing official shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.

Sincerely,

*Nicole Floyd*

City of Bremerton  
Land Use Planner  
phone: (360) 473-5279  
fax: (360) 473-5278

## **20.16.660 ARCHAEOLOGICALLY SENSITIVE AREAS:**

### **(a) Policies:**

- (1) Prevent the destruction of or damage to any cultural resource as identified by the appropriate authorities, including the Suquamish Tribe and the Washington State Department of Archaeology and Historic Preservation.
- (2) Land owners should provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.

### **(b) Regulations:**

- (1) The City will work with tribal, state, federal, and other local governments as appropriate to identify significant cultural resources in observance of applicable state and federal laws protecting such information from general public disclosure. Detailed cultural resource assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.
- (2) Owners of property containing identified archaeological sites should coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, the Suquamish Tribe Archaeology and Historic Preservation Program, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.
- (3) Upon receipt of an application for a development in an area of known cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation and the Suquamish Tribe Archaeology and Historic Preservation Program.
- (4) If archaeological materials are identified in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the City. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and the Suquamish Tribe Archaeology and Historic Preservation Program. The reviewing official shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.

Testimony of Alan R Beam to the Bremerton Planning Commission 20 Sept 2011

I am a retired Navy Captain who had the privilege of commanding the USS Bremerton. It took over 20 years of campaigning to get orders here and we finally did in 1988. In 1994, we bought our retirement home on the water, it is fully permitted and conforming to today's laws. What concerns me is the city wants to declare my property non conforming and allow its use "until such a time they are discontinued as prescribed by law".

How does a proposed 30% buffer effect my property? Fully two thirds of my property is restricted from development by the presence of a stream. This stream is undeveloped and completely wooded natural habitat.; leaving me to live on the remaining third. Now the city wants to install a 30% buffer from the saltwater shoreline. My property is 730 feet deep, a 219 foot 30% buffer, encumbers the entire scope of developed land on my property and is greater than your 200 foot jurisdiction. **Please note there is no maximum buffer distance in the ordinance.** In order to not further encumber my land I cannot expand or improve my property, and I cannot repair my bulkhead unless my house is endangered.

What is the problem we are trying to solve,? What are the ecological functions that we are trying to save with "no Net Loss"? This process assumes that the condition of the sound and the fish in the sea is degrading. How do we monitor the sound and take credit for the real progress that we are making, with habitat improvement, Stormwater run off control and reduction of sewer overflows.

Sinclair Inlet is improving each year, primarily due to the efforts of The City of Bremerton and Puget Sound Naval Shipyard. The city has recently completed a 10 year 28 Million dollar project to reduce sewer overflows by separating sewers and storm drains. As a result the incidence of massive sewer overflows dumping into the sound have gone to near zero. PSNS has developed pollution models for Sinclair Inlet and Dyes Inlet in order to identify and correct sources of pollution. Oil Spills from the Shipyard and the ships have been significantly reduced. County Stream teams have actively identified sources of pollution and cleaned them up. As a result shellfish beds in Dyes Inlet are open for the first time in decades.

These are all examples of a rigorous science based plan to identify a problem, determine a cause and implement a solution. The passive land use practices outlined in the shoreline management plan, contribute little to this process and defy logic.

Restrictions are being placed on the land with no scientific basis. If the purpose of the buffer is filtration, then there should be a minimum and maximum effective width. The process of variable percentages of land buffers based on lot depth does not support this. The stated purpose of ground cover in the buffer zones is to reduce erosion; why is a well kept lawn not an effective erosion control device? **Bremerton's Shoreline Inventory Analysis report section 4.2.2.10 Land Cover Development, treats residential lawns the same as impervious (Concrete) surfaces.**

SSB 5451 which became state law on 1 Sept 2011 gives wide latitude to local officials during the SMP update process to authorize residential structures and appurtenant structures that are legally established and are used for a conforming use (but that do not meet standards for setbacks, buffers or yards, area, bulk, height or density) to be considered conforming structures.

Please reconsider these needless restrictions and adopt a citizen friendly Shoreline Management Plan. I can accept restrictions placed on my property when they make scientific sense, and actually go towards solving a problem.

Who do you represent; the citizens of Bremerton or the State Department of Ecology? I have not been active in politics, which I now realize was a mistake. I will now concentrate my efforts to elect candidates that are more interested in the science of cause and effect rather than representing a State bureaucracy.

Respectfully

Alan R Beam  
P O Box 336 Tracyton WA  
[arbeam@aol.com](mailto:arbeam@aol.com)  
360-440-2812

**Nicole Floyd**

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**From:** DANA HAMAR [DANAHAMAR@MSN.COM]  
**Sent:** Tuesday, September 27, 2011 10:53 AM  
**To:** Nicole Floyd  
**Cc:** Danahamar@msn.com  
**Subject:** SMP  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Nicole: I own a vacant lot #3913 025 005 0002 next to my house at 511 Shore dr.. Was reading over the new smp rules, I know the smp has not been adopted yet, however maybe you could clarify a few things. Would the setbacks from high water mark be 20% of lot depth plus a 5 ft. building setback along with a biologist plant midigation plan. The lot is only 79 ft. deep .Is the view corridor going to be eliminated. Building height is 25 ft. to peak from average grade. Would be nice to be at 28 ft. however do not to provide public access to the water. Thanks  
Dana



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 3, 2011

JoAnn Vidinhar, Assistant Director  
City of Bremerton  
Community Development  
345 – 6<sup>th</sup> Street, Suite 600  
Bremerton, WA 98337

Re: Ecology Comments on Draft SMP Policies and Regulations

Dear JoAnn Vidinhar;

Thank you for the opportunity to review your draft SMP regulations for General Standards and Regulations (20.16.600), Shoreline Uses (20.16.700), Shoreline Modifications (20.16.800), and Definitions (20.16.300). The City has made excellent progress on the development of policies and regulations on these particularly important SMP sections. The following comments are intended to assist the City in further refining these draft pieces. The comments are separated by section. Ecology Wetland specialists review buffer requirements, based on the existing conditions and development, in the process of further examining existing conditions and in the interests of accuracy, they have reached an agreement that the shoreline boundary for Kitsap Lake should be extended to include the open water wetland within the area of Kitsap Lake Park, as this wetland appears to have a continuous and contiguous surface water connection to the lake during periods of high water and is therefore part of Kitsap Lake. Although, this may not make a difference to SMP policies and regulations, at this time, in the interests of accuracy, they are presenting this to both Kitsap County and Bremerton.

### 20.16.600 General Standards and Regulations

**20.16.610** Buffers and Setbacks (b)(1)(iii) and (iv): The Buffers and Mitigation Ratios in the draft SMP are taken from the Renton SMP. Ecology Wetland Specialist, Patrick McGraner, has reviewed these buffer widths and ratios and has found the draft wetland them to not compare favorably with Ecology's guidance. However, there are two ways the City can approach this topic: 1) the City could adopt the standards consistent with Ecology's guidance or 2) the City could demonstrate and substantiate that the proposed buffers and mitigation ratios, as proposed, will result in no net loss of ecological functions within the city's shoreline jurisdiction.

**20.16.610** Buffers and Setbacks (b)(1)(vii): Using 20% of lot depth for buffer widths is a bit low. A more widely approved shoreline buffer, is 30% of lot depth, with variations based on the range of existing lots width. The bottom line is existing conditions and it is important to find a "sweet spot" for Bremerton that captures existing development, yet meets no net loss with future development. This is intended as a note of precaution. These buffers and setbacks may be adequate depending upon the rationale and existing conditions along some of Bremerton shorelines. Regardless of whether it is 20 or 30%, a minimum needs to be established just like the maximum that is established for the larger lots. Again, Ecology understands that this may have some rationale behind it. However, Ecology needs to understand that rationale and have the document reflect that.



**20.16.610(b)(1) (viii)** Good. This is an important clarification in your SMP.

**20.16.610(b)(x)** Buffers are to be undisturbed with the exception of a 6-ft wide trail to access the beach. The prescriptions around grading and removal in buffers, need to be better described "minimal" is not descriptive enough. What is the rationale for applying this only to the outer 50 percent of buffers of 100 feet or greater?

**20.16.610(b)(2)** Exemptions. Water dependent, which is a priority use along the shoreline is subject to buffers and setbacks with minimally allowed access to the dock structure, such as the 6-ft pathway for access to the beach. (Please see the attached tables comparing the Proposed Draft SMP wetland buffers and mitigation ratios to Ecology's Guidance document.) Also, Ecology's guidance can be found at: Wetlands & CAO Updates: Guidance for Small Cities (Western Washington Version) and Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (see Appendix 8-C)

**20.16.610(b)(2)(i)** Water-oriented is too vague not all water-oriented get exceptions to buffers and setbacks. In fact water dependent should require buffer mitigation to address the ongoing impacts of the water dependent activities and structure.

**20.16.610(b)(2)(v)** "Ramps" needs clarifications. Ramps and walkways in the nearshore need to be 3-4 ft wide, not 5 ft, unless it needs to be ADA compliant. NMFS and the ACOE are very clear and consistent on this.

**20.16.620 (b)(1)(i)** Regulations. Water dependent uses still need a vegetation management plan.

**20.16.620 (b)(1)(v)** Size of new trees. As a suggestion, there have been studies that show that smaller planted stock are quicker to adopt to a new location and will in a few short years out-perform larger planted stock that have been grown in containers or balled-in-burlap. Maybe the City would like to change this to read something like "at least 25% of the new trees should be least four feet minimum height or some similar language.

**20.16.620 (b)(1)(ix)** The term "Minor" needs to be clarified with reference to specific criteria and ranges.

**20.16.620(b)(vi)** What are City's limitations for removal types? This information should be included somewhere in the SMP.

**20.16.640(b)(4)** The criteria supporting variations to Public Access requirements are well stated. However, requiring a Shoreline CUP could be troublesome. Ecology reviews for environmental and cumulative impacts but not public access constraints. However, if the City wants to require a local administrative CUP, that would be fine. It's just that Ecology does not approve or deny CUP's for public access variations.

**20.16.630(b)(4)(v)** Disproportionate cost is not an SMP consideration. Therefore, it should be stricken from SMP language. However, this language could be replaced with: If the City provides more effective public access through a public access planning process and reference the particular city or port process.

**20.16.650 (a) (e)** Needs to include statement on non-point pollution. Something like: Protect aquatic resources from non-point pollution, such as water runoff from contaminating surfaces and groundwater, chemical fertilizers, herbicides, pesticides, and petrochemical use and including, but not limited to, discharge from failing on-site septic systems.

20.16.650(b)(3)(l) should read ...”under the Washington departments of Agriculture and Ecology.”

20.16.690 Very nice job on the Use Matrix and Height Table

### 20.16.700 Shoreline Use Regulations

20.16.710 Aquaculture Does the City have existing aquaculture uses along their shorelines? Are there potential uses planned for the future? Are there any shoreline areas that could be used for aquaculture?

20.16.730 Forest Practices. Does the city have designated forest lands within shoreline jurisdiction? It appears that around Union Reservoir, there might be. Is this true?

20.16.770 (a)(2)The existing wording is awkward but your intention is consistent with the WAC. Does the following achieve your objective? ...”is not further eroded nor requires structural stabilization to protect the property”

20.16.770 Residential (a)(3) add “rather than single-family docks” before the word should to read:

In cases where either large tracts are subdivided into single-family residential parcels or where contiguous individual building sites are developed for single family residences, common public access areas and one joint-use dock, rather than single family docks, should be developed for the use of residents of the subject subdivision.

20.16.770(b) The numbering appears to be out of order in this section beginning with what should be 3.

20.16.770 (b)(1) Single family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. (Note: this adds a qualifier for when SFR is a priority use.)

20.16.770 (b)(3) What is covered by “floating homes”? Houseboats should not be permitted. The RCW and WACs are very clear on this. Floating homes over state-owned submerged lands are considered trespassing on state lands. Residential uses are not allowed, unless they are live-aboard vessels in a marina and then they would fall under regulations and leasing requirements of DNR on the numbers of vessels allowed and the provision of sanitary services. We need to discuss the intent of this clause on floating homes.

20.16.770 (b)(4) The term used for the professional and site analysis needs to be clearly identified in the Definitions Section. A description of the professional expertise and the general topics of the geotechnical report need to be included in the Definitions Section. (Note: I have attached examples of such definitions with this letter.

20.16.770 (b)(5) New residential development shall meet all Critical Area ~~requirements~~ provisions of this Program.

## 20.16.800 Shoreline Modifications

**20.16.820(b)(14)(iii)** Grating should be over at least 40-50 percent of the pier or float area and must contain 60 percent open area. (This language is per the ACOE new proposed Programmatic replacing RGP 6. This is likely to be in effect by 2012 and the SMP should be consistent with these standards.

**20.16.820(b)(14)(i)** Length: One of the biological criteria for the depth is to avoid boats touching bottom or prop scouring of the bottom. Ten or 13 foot depth would be a more acceptable depth, as 5 feet would most likely result in scouring or bottoming out of many boats. We should talk about this requirement and your rationale for using 5 feet.

**20.16.820(b)(15)** Per WAC 173-260-231(3)(b): A statement that new pier and dock construction shall be limited to the minimum necessary to meet the needs the proposed water-dependent uses.

**20.16.820(b)(15)(iii) (a)** The new ACOE programmatic or RGP is not allowing construction or rebuilding of T's. The docks must be straight out in a line rather than a "T" shape.

**20.16.820(b)(15)(iii)(b)** The landing area, particularly over shallower areas, should be built in the north-south direction, if at all possible, to avoid shading effects that would occur with east-west orientation.

**20.16.820(b)(15)(iii)(c)** What is a landing area? Pier or walkway should be a maximum width of 4 feet. However, a float can be 8 feet wide with a maximum length of 30 feet and 50% grating.

**20.16.820(b)(15)(iv)(a)** There needs to be maximum and minimum sizes stated. Joint – Use should be called out with its own size specifications separate from Community Docks. New RGP limits joint-use float width to 8 feet and length to 60 feet. (Note: This could be handled by inserting Joint-Use specifications and leaving your Community Piers and Docks language in place.)

**20.16.820(b)(18)(iii)**..shall be designed to not obstruct alongshore drift.

**20.16.850(a)(1)** Replace language with the following: Landfills waterward of OHWM should only be allowed when necessary to support allowed water-dependent use, public access, beach restoration or MTCA/CERCLA and other water dependent uses that are consistent with this master program.

**20.16.850(a)(2)** Need to add: Shoreline fills should be the minimum necessary.

**20.16.850 (b)(1)(iv)** Mitigation action, approved environmental restoration, beach nourishment or approved enhancement project.

**20.16.870 Shoreline Stabilization:** The first sentence is unclear. Recommendation: strike first sentence and being introduction to Shoreline Stabilization with your second sentence.

**20.16.870 Shoreline Stabilization (2)(b)(12)(iii)(b)** "~~drift sill~~" should read "drift cell" or "littoral cell" and "well planned" beach enhancement needs to be more specific. Suggestion: Maybe something like beach enhancement projects approved by federal or state agencies.

**20.16.870(b)(2)(i)(d)** is unclear and needs to be clarified.

**20.16.870(b)(2)(i)(a-d)** Wording is awkward. Suggested re-structuring: Following (2)(i)(a) begin a sub-list following the 3<sup>rd</sup> sentence. The analysis must evaluate:

1. On-site drainage issues and address drainage problems before considering structural shoreline stabilization.
2. Supplementary beach nourishment or soft-shore measures must be shown to be impractical or non-effective, as demonstrated through a geotechnical report.
3. That the stabilization structure will not result in a net loss of shoreline ecological functions.
4. The lack of structural integrity of the existing structure as demonstrated through a structural engineering report.

### **20.16.300 Definitions**

The following definitions should be added to the Definitions Section.

**Geotechnical Report:** A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

If Agricultural Uses are a possibility, then Agriculture needs to be defined. The Guidelines provide the following definitions:

**Agricultural activities:** Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation; (b)

**Agricultural products:** Includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products; (c)

**Agricultural equipment and agricultural facilities:** Includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and (d) "Agricultural land" means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.

**Drift cell, drift sector, or littoral cell:** A particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

**Mean Higher High Water:** (each word in capital letters)

**Shoreline jurisdiction:** This definition occurs twice in the definitions section. The first one, under Restore, is the best. The second is not as clear. You could substitute Shoreline Jurisdiction with Shorelands or shoreland areas:

**Shorelands or shoreland areas:** Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

**Shoreline jurisdiction for Bremerton:** Includes shorelands and waterbodies waterward of OHWM out to the middle of Sinclair Inlet and Port Orchard Bay, all of Port Washington Narrows, Ostrich Bay, Oyster Bay, Phinney Bay and Mud Bay, the portion of Kitsap Lake within the Bremerton city limits, Union Reservoir, Twin Lakes, one mile of Gorst Creek and one mile of Union River.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goals of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation

results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

#### **20.16.600 Nonconforming Provisions**

This is a well done section. I only have one question: In 20.16.660 Nonconforming uses: (a) Continuation: any legally established nonconforming use may be continued until such time that it is discontinued as prescribed in subsection (4) or (5) of this section. Where is subsection 4 or 5 of this section? It looks like it may be referring to (d) and (e) of that section as both of these refer to discontinuation of nonconforming use. If so, just change 4 or 5 to (d) or (e) for consistency.

#### **20.16.500 Permit Administration**

You may want to include some of the WAC language for Permit Revisions. Often times, local jurisdictions do not know how revisions to shoreline permits are handled, including acceptable revised sizes and appeal periods required. WAC173-27-100 has specific required limits on proposed changes. Revisions also have appeal periods and effective dates. The following requirements are for Permit Revisions.

#### **WAC 173-27-100**

##### **Revisions to permits.**

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

**Designation Policies:** This designation breakout makes sense, is well written and compliant with WAC 173-26-211.

In addition to the above sections, I have reviewed your Introduction, Authority and Purpose, and Goals Sections. Other than to say that these documents are well written, I have no further comments.

Thank you for the opportunity to review your draft SMP work. If you have any questions, or wish to discuss any of these comments or any other draft SMP elements, please feel free to contact me at 425-649-4309 or at [Barbara.Nightingale@ecy.wa.gov](mailto:Barbara.Nightingale@ecy.wa.gov)

Sincerely,

A handwritten signature in cursive script that reads "Barbara Nightingale".

Barbara Nightingale, Regional Shoreline Planner  
Department of Ecology - NWRO  
3190 – 160<sup>th</sup> Ave SE  
Bellevue, WA 98008

Cc: David Sherrard, Parametrix



Table XX.1 Wetland Buffer Requirements for Western Washington

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I: Based on total score	75ft	Add 30 ft <del>105'</del>	Add 90 ft <del>165'</del>	Add 150 ft <del>225'</del>
<del>Category I: Bogs</del>	<del>190 ft</del>	<del>NA</del>	<del>NA</del>	<del>Add 35 ft</del>
<del>Category I: Natural Heritage Wetlands</del>	<del>100 ft</del>	<del>N/A</del>	<del>NA</del>	<del>Add 35 ft</del>
Category I: Coastal Lagoons	150 ft	N/A	Add 15 ft <del>165'</del>	Add 75 ft <del>225'</del>
Category I: Forested	75ft	Add 30 ft <del>105'</del>	Add 90 ft <del>165'</del>	Add 150 ft <del>225'</del>
Category I: Estuarine	150 ft	N/A	NA	N/A
Category II: Based on score	75 ft	Add 30 ft <del>105'</del>	Add 90 ft <del>165'</del>	Add 150 ft <del>225'</del>
<del>Category II: Interdunal Wetlands</del>	<del>110 ft</del>	<del>NA</del>	<del>Add 55 ft</del>	<del>Add 115 ft</del>
Category III (all)	60 ft	Add <del>65</del> ft	Add <del>105</del> ft	NA
Category IV (all)	40 ft	NA	NA	NA

**Bremerton:** In the above table, red font represents what the buffer should be per the Western Washington CAO Wetland Buffers Guidance (pub.# 10-06-002). They differ from the table in draft SMP Section 20.16.610(b)(iii). In some cases, Bremerton is higher and in others lower. In this case consistency with guidelines is best. If the City wants these different standards, then rationale needs to be provided.

Bremerton's Draft SMP Wetland Buffers

Wetland Category	Low Wildlife Function (less than 20 points)	Moderate Wildlife Function (20 – 28 points)	High Wildlife Function (29 or more points)
	Buffer Width (feet)		
Category I	125	150	225
Category II	100	150	225
Category III	75	125	150
Category IV	50	50	50

Similarly mitigation ratios are not equivalent to the state guidance. The difference between the proposed ratios and the state guidance are:

The differences between the proposed mitigation ratios and the guidance are in Rehabilitation and Enhancement Only.

Category I Rehabilitation should be 12:1

Category II Rehabilitation should be 6:1 and Enhancement Only 12:1

Category III Rehabilitation should be 4:1 and Enhancement Only 8:1

Category IV Rehabilitation should be 3:1 and Enhancement Only 6:1

**Kim Ingham**

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**Subject:** FW: KAPO Brochure Comments

PLANNING COMMISSION EXHIBIT
DATE: <u>11/15/2011</u>
SUBMITTED BY: <u>KIM INGHAM</u>

**From:** Sandie Vincent  
**Sent:** Tuesday, November 15, 2011 1:00 PM  
**To:** Kim Ingham  
**Subject:** KAPO Brochure Comments

Hi Kim,  
The following are my comments regarding the information provided in the brochure from KAPO.

**Non-conforming; Paragraph 2 of the brochure:**

The statement regarding a non-conforming "development" damaged by fire, flood, earthquake, etc. beyond 75% of its "original" replacement cost may not be reconstructed is not acceptable! Neither Peninsula Credit Union or any investor we currently work with will loan on a property that has the possibility of a total loss and does not offer the ability to be reconstructed. The structure must be **legal, grandfathered use or legal non-conforming, grandfathered use** (100%) in order to be eligible for a loan through our financial institution or our lenders we sell to on the secondary market.

**Insurance, paragraph 12 of the brochure:**

I still recommend calling your insurance company to verify what kind of policies and coverage would be available if they are going to designate these properties and non-conforming and not grandfathered . The following is the requirement for insurance coverage:

Coverage Amount:

- Coverage should be for the lower of:
  - 100% of the insurable value of the improvements, as established by the property insurer; or
  - The unpaid principal balance of the mortgage, as long as it equals the minimum amount – 80% of the insurable value of the improvements – required to compensate for the damage or loss on a **replacement cost basis**. If it does not, then coverage that does provide the minimum required amount must be obtained. \*

\*This means that you must to be able to replace the structure in its entirety using the same footprint of the original structure.

**Remodels, Maintenance and Repairs, paragraph 14 of the brochure:**

Remodels, Maintenance and Repairs are another area of concern for a financial institution.

According to the Deed of Trust Borrowers sign with their financial institution they are agreeing to the following:

- Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition.
- Borrower shall promptly repair the property if damaged to avoid further deterioration or damage.

- If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, **Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.**

This means that if they are not allowing you to make necessary repairs, you are in violation of your agreement with the financial institution because you are unable to maintain the property in its original condition, which may affect the value.

Let me know if you have any questions; glad to assist. Thanks!

**Sandie Vincent**  
*Assistant Vice President of Lending Services*



521 West Railroad Ave.  
Shelton, WA 98584  
360.426.1601 ext. 3028 (direct)  
360-801-0375 (Cellular)  
360.426.4479 (fax)  
[www.pcfcu.org](http://www.pcfcu.org)

*Page 1 of 2*

PLANNING COMMISSION EXHIBIT  
DATE: 11/15/2011  
SUBMITTED BY: KIM J. NEBHAM  
Taskforce Meeting on 9

Summary of the Kitsap County Shoreline Master Plan Update  
Nov 2011

**Existing Shoreline Development**

Under the proposed Shoreline Master Program (SMP) update, within limited exceptions, legally established existing development within the 200-foot shoreline jurisdiction would be considered “conforming” with regard to setbacks and buffers. This means that if an existing home is closer to the shoreline than would be allowed under new standards, the home would be considered “conforming” so long as it was lawfully constructed.

[http://www.kitsapshoreline.org/Existing\\_Development\\_Revised\\_102411\\_ljn\\_cmts.docx](http://www.kitsapshoreline.org/Existing_Development_Revised_102411_ljn_cmts.docx)

**Shoreline Buffers**

Kitsap County must include provisions for shoreline vegetation conservation buffers as an element of the Shoreline Master Program (SMP) update process. State guidelines specifically require local governments to include provisions for vegetation conservation in order to:

- Protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along the shorelines;
- Protect human safety and property;
- Increase the stability of slopes;
- Reduce the need for shoreline armoring;
- Improve the visual and aesthetic qualities of the shoreline;
- Protect plant and animal species and their habitats; and
- Enhance shoreline uses.

Kitsap County has had varying shoreline buffer standards in effect since 2000. While these standards are located in the Kitsap County Critical Areas Ordinance (“CAO”), applicable shoreline buffer standards must be integrated into the SMP during the update process.

Kitsap County is proposing a flexible approach to buffers in order to protect ecological functions while still accommodating appropriate use of the shoreline. Under this preliminary proposal, each Shoreline Environment Designation would have a standard buffer and a reduced standard buffer.

**Standard Buffer** □ A starting buffer that provides optimum buffer functions for the Designation. Development activity outside of this line would not require additional shoreline mitigation measures.

**Reduced Standard Buffer** □ The standard buffer could be reduced through site-specific appropriate mitigation.

**Constrained Lot Buffer** □ Development on constrained lots could occur below the reduced standard buffer line upon submittal of a site-specific shoreline mitigation plan, and would require an Administrative Buffer Reduction or Variance. Any such development must prevent loss of existing shoreline functions.

Page 1 of 2

**Preliminary Draft Buffer Proposal**

Measured from the Shoreline (ordinary high water mark)

**Standard Buffer**

- Natural: 200'
- Rural Conservancy: 130'
- Urban Conservancy: 100'
- Shoreline Residential: 85'
- High Intensity: 50'

**Reduced Standard Buffer**

- Natural: 150'
- Rural Conservancy: 100'
- Urban Conservancy: 85'
- Shoreline Residential: 50'
- High Intensity:

Bulkheads and repairs to bulkheads need to demonstrate a threat to structures, in accordance with state and federal rules.

Docks will be required to extend out to sufficient water depth such that propeller wash will not damage marine bottom vegetation. Community docking will be encouraged over individual docks. No Net loss of ecological functions will need to be demonstrated.

Next meeting 14 Dec 2011

SMP Update drafts will start to be posted on the Kitsap County SMP Update website <http://www.kitsapshoreline.org/>

Nov. 29, 2011  
To Mayor Patty Lent  
Norm Dicks Government Center  
345 6<sup>th</sup> St. Suite 600  
Bremerton, WA. 98337

RECEIVED  
City of Bremerton

NOV 29 2011

Copy to members of the Bremerton City Council

Department of  
Community Development

Re: Bremerton SMP Meeting of Nov 15, 2011  
Subject: Non-conforming Status

Senate Bill SB5451 (see attachment) was passed into law April 18, 2011 by the WA State Legislature. It recognizes the concern of home owners affected by the *legal status* of their homes under the updates to the Shoreline Master Program (SMP). Our state lawmakers decided a legally built conforming structure will not create a risk of degrading the shoreline. (Section 2 authorizes a legal conforming use.)

Bremerton land use planners, intend on making legally built conforming shoreline homes within the city of Bremerton "non-conforming" initiating an over kill of regulations and ignoring SB5451. It is disconcerting that Bremerton may unintentionally cause financial harm to shoreline home owners.

At the Bremerton SMP Nov. 15<sup>th</sup> meeting, Kitsap Alliance, Kitsap County Realtors Association and private citizens referred planners to SB5451 and the *Precautionary Principle*.

*Example using the Precautionary Principle:* As loans and financing become ever more sensitive to Fannie Mae and Freddie Mac requirements to acquire a loan, those loans that have "*special circumstances*" will be less attractive thus the Precautionary Principle needs to be applied or the already stressed real estate market will suffer again. Special circumstance loans often result in higher interest rates. The financial impact will be huge if loans are unavailable to shoreline owners.

I believe Kitsap County Planners (see attachment) and their SMP Task Force have worked very hard to find amicable solutions on our shorelines of Kitsap County. They have done a fantastic job sorting out the important issues and details. It is in the best interest of our shorelines to have both the shoreline owners and planners working together for a common goal that does not disenfranchise any one entity. It would be of great benefit to Bremerton to look at what has already been done and what seems to work.

The Bremerton SMP planners have some wonderful tools for stabilizing the shoreline real estate market, protecting land owners with SB5451 and by using a common sense strategy, make everyone a winner and steward of our shorelines.

Please consider the options granted to you by the Legislatures SB5451.

Jackie Rossworn, Executive Director  
Kitsap Alliance of Property Owners  
[rosswornjr@wavecable.com](mailto:rosswornjr@wavecable.com)  
(360) 990-1088



cc: Mike Eliason, Abby Burlingame, [gov@kitsaprealtor.org](mailto:gov@kitsaprealtor.org)  
Kitsap County Association of Realtors  
cc: Teresa Osinski, [tosinski@kitsaphba.com](mailto:tosinski@kitsaphba.com)  
Kitsap Home Builders Association

## Robert Rossworn

**From:** Mike Eliason [gov@kitsaprealtor.org]  
**Sent:** Wednesday, November 23, 2011 12:43 PM  
**To:** 'City Council'; lori.smith@ci.bremerton.wa.us  
**Cc:** 'Patty Lent'; 'Andrea Spencer'; 'Teresa Osinski'; 'Jackie Rossworn'  
**Subject:** Conforming Uses

Council Members,

A member of our staff was advised by Nicole Floyd that the city would not declare all existing legally developed shoreline structures as conforming. When advised by our staff member that the Board of County Commissioners plans to declare all existing structures as conforming, Floyd claimed the county "caved in to public pressure." Further, when informed by our staff member that the Washington State Legislature passed Senate Bill 5451, signed by Governor Gregoire, that authorizes local jurisdictions to declare properties as conforming, Floyd suggested the state legislature passes laws that are not relevant.

We are very disappointed in the aforementioned comments and greatly concerned that the decision regarding conforming status has already been made by the administration. Please advise us if the City Council directed the administration to disregard Senate Bill 5451 and the city's ability to declare all existing legally developed shoreline structures as conforming.

Mike Eliason  
Association Executive  
Kitsap County Association of REALTORS®

cc. Mayor Patty Lent  
Community Development Director Andrea Spencer  
Homebuilders Association Executive Director Teresa Osinski  
Kitsap Alliance of Property Owners Executive Director Jackie Rossworn

## Nicole Floyd

---

**From:** Richard Nerf [rbnerfjr@comcast.net]  
**Sent:** Tuesday, January 17, 2012 7:49 PM  
**To:** Nicole Floyd  
**Subject:** SMP Comments

Nicole,

Here are my comments...

RBN

General observation: My initial impression was that the document had many passages that were very poorly written. However, to my surprise, the situation is not that straightforward. Much of the text appears to be extracted (multiple times) from the wide tables with colored backgrounds (labeled as Whatcom County, but obviously revised for Bremerton and Kitsap County). Within this columnar format, the text reads well, but when cut-and-pasted into ordinary-appearing paragraphs it reads as sloppy, run-on sentences. I suspect this is because the list-like nature is evident within the table format, but in ordinary text, for example, the lack of a final "and" in a comma-delimited list causes the reader to re-read in search of a disconnect in sentence flow.

Errata:

p22 of 126 (clarification)

Table 2-1 near bottom of first page "small peninsula separating Oyster Bay from Ostrich Bay" should read "Madrona Point"

p25 of 126 (unclear, remove or elaborate underlined)

Most of the Puget Sound shoreline in the study area has moderate to low banks, or areas with no appreciable bank – bays and estuaries, although higher, steep sloping bluffs occur along Port Washington Narrows.

p 41 of 126 (additional information)

Most water is from runoff from a relatively narrow area surrounding the bay and from tidal flows.

*I have been told by old residents that there is considerable freshwater spring inflow into Oyster Bay. (By my own observation, the Bay surface waters freeze readily on calm clear nights in winter, evidence of freshwater flow sitting on top of marine water.)*

p44 of 126 (unclear, remove or elaborate underlined)

The SMP buffer requirements are likely to result in preservation of existing buffers and some enhancement of where buffers are not currently maintained.

p 44 of 126 (additional information -- for Washington Narrows in general)

Waterfowl concentrations occur at the entrance to the Narrows, between the ferry docks and Evergreen Park.

*High waterfowl concentrations also occur opposite Lions Park: Loons, Sharp-tailed ducks, Scoters, Goldeneye ducks, cormorants,... There is a large Pelagic Cormorant roost under the Warren Avenue Bridge, as well as a Peregrine Falcon nest.*

2/8/2012

p46 of 126 (misspelling)

"Lyons Park" *should be "Lions Park"*

p 50 of 126 (typo)

There is a large wetland at the south end of the lake which is larger in public ownership. *Should be "largely"?*

p 61 of 126 (typo+?fact?)

Some are very protected inlets such as Oyster Bay are shallow with little freshwater recharge and limited tidal flushing, others such as Port Washington Narrows experience substantial flows from tidal action.

p62 of 126 (typo)

"central pervious system" should be "central nervous system"

p 77 of 126 (sentence fragment)

"The defense-related economy in Kitsap"

p 79 of 126 (fact check)

There are no private commercial boat builders in Bremerton. *What about SafeBoats at Bremerton Airport?*

p 79 of 126 (garbled)

Bremerton currently has about many recreational moorage spaces and marinas.

p81 of 126 (unclear)

"the navy ship" is "Destroyer *Turner Joy* Museum"?

pp 38,43,83 of 126 (awkward)

Fecal coliform bacteria levels in the stream have resulted in placement by the Kitsap Health District on a Public Advisory of waters that public should avoid contact with.

Perhaps something like:

*"The Kitsap Health District has included the stream in its list of waters to avoid because of excessive fecal coliform bacteria."*

p88 of 126 + in 3 table headers (typo)

"Maine" should be "Marine"

p93 of 126 (unclear)

Inwater structures such as dams may block or retard through increased velocity of movement of fish and other species along a stream.

*Increased current velocity around inwater structures, such as dams, may block or retard the movement of fish and other species along a stream.*

p93 of 126 (referent of underlined pronoun is unclear)

Docks and other inwater facilities contribute to providing habitat for some predators, particularly bass, and also may cause avoidance behavior forcing them into environments where food and shelter are less available and where predation is increased.

p 94 of 126 (meaning?)

"Eelgrass beds form narrow corridors where light penetration is limited by turbidity."

Does this mean:

1. Eelgrass beds are narrow where water is turbid, but wide where it is clear?
2. Waters within eelgrass beds is more turbid than water outside them?
3. Eelgrass beds block light (turbidity is wrong word choice)?

p 123 of 126 Marine Shorelines Table (out of date)

East Port Washington Narrows (EPWN) 3

*The description does not take into account the extensive redevelopment of Lions Park that was recently completed:*

"Upland vegetation limited" *Extensive replanting along the shoreline.*

"Intertidal area moderate" *There is a large point-bar/delta that uncovers at low tide. It contains extensive ecological communities and is used by BeachWatchers for teaching.*

"Softer shoreline stabilization" *Shoreline has recently been soft-armored with large logs.*

"upgrade of parking to meet current stormwater treatment requirements may result in water quality benefits." *done - parking moved away from water, pervious pavement used.*

## Nicole Floyd

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**From:** Judith Friedberg-Nerf [jnerf@comcast.net]  
**Sent:** Thursday, January 19, 2012 4:15 PM  
**To:** Nicole Floyd  
**Subject:** final comments- Cumulative Effects doc

Nicole,

I've just finished reading it. Have probably 100+ comments hand-noted on pages.

Not efficient use of my time to create email containing comments, nor for you to read email and try to cross-reference emailed notes. BUT if you'd like for me to bring my notes to you, and review together for 15 minutes or so, I think we can quickly see if I have any unique comments relative to those of others that you have already received.

One over-arching comment I have relates to matrices Tables 3-1, 3-2, and 3-3. They appear to be "the primary source" for all text contained within Cumulative Effects and Restoration docs. Given that this is so, it seems to me that they should be foot-noted as to source of information contained within, who compiled, and then the matrices themselves should be specifically listed as source documents in References section 3.7.

Another theme: vast amount of duplication of text within Cumulative Effects and Restoration docs.

Also, comments I sent you earlier regarding Restoration doc also apply to Cumulative Effects doc IF duplicated text remains in both docs. Example: information about Ostrich Bay, Dyes Inlet, peninsulas extending into marine waters, clarifying labeling of maps.

My remaining comments fall generally into these categories - in no particular order of importance:

- duplicate entries in tables or lists
- word omissions from titles, names of agencies
- internally inconsistent punctuation and format styling
- apparent poor choice of words/phrases that result in confusing reader as to meaning and intent of written statements
- garbled statements due to phrasing, incomplete thoughts, incompatibility of bulleted statements to lead sentence
- omission of specific examples or clarifying remarks that would enable reader to understand how statement specifically relates to Bremerton
- grammatical errors, subject/verb agreement, punctuation, capitalization
- omission of citations
- some statements, though complete sentences, appear to make no sense within context
- in some cases, sub-sections contain descriptive text, but no statements are included explaining their relevance to Bremerton -
  - or there is inconsistency in tying relevance of information stated to Bremerton specific context
- garbled sentences/statements resulting from unedited passages which have been cut and pasted from matrices into text of both documents

I have some time on Fridays, January 20 or 27 if my coming in would be helpful. Just let me know.

Judy

## Nicole Floyd

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**From:** Dana Coggon [DCoggon@co.kitsap.wa.us]  
**Sent:** Monday, January 23, 2012 12:08 PM  
**To:** Nicole Floyd  
**Subject:** RE: Code Language

This is great!!! As a City you can use what ever term you would like as long as you define it, that could take a lot more time and space ;-). is the concern of the committee member that things like ivy, scotch broom and blackberry bushes might be overwhelming? If so, you could specify all Class A noxious weeds along with Class B-designates and County Select noxious Weeds. The challenge is that leaves out the aforementioned listed class C noxious weeds. Feel free to give me a call to chat: 253-230-1337 Dana

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**From:** Nicole Floyd [Nicole.Floyd@ci.bremerton.wa.us]  
**Sent:** Monday, January 23, 2012 11:30 AM  
**To:** Dana Coggon  
**Subject:** Code Language

Dana,

I am trying to write an ordinance that should make you happy! I am updating the shoreline code and am requiring a vegetation plan. In the requirements for this plan the following language appears:

- (i) Identification of native vegetation to be removed and protected as a result of the proposal must be shown on the site plan, as well as any noxious vegetation onsite.
- (ii) All new trees shall be a minimum height of four (4) feet. Shrubs shall be of at least four different varieties.
- (iii) Methodology for removal of noxious vegetation and long term maintenance is required.

The question raised at a meeting relates to the wording of "noxious vegetation". Community members want to know if we could, should use the term targeted weeds, or something else that relaxes this standard.

I know you have different terms for different types of weeds and was wondering your take on that. Is there language that you think would be best? The community members who brought this up are worried that saying all "noxious weeds" is too broad. Other members thought that there were more accurate terms...I don't really know about that so I am asking you.

Please let me know your thoughts.

Sincerely,

Nicole Floyd  
City of Bremerton  
Land Use Planner  
phone: (360) 473-5279  
fax: (360) 473-5278

'APR 12 2012

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WILLIAM H. BROUGHTON  
KENNETH W. BAGWELL

April 10, 2012

Ms. Nicole Flores  
City of Bremerton  
Community Development  
345 Sixth Street, Suite 600  
Bremerton, WA 98337

Re: Comments on Height Restrictions in the  
Proposed Bremerton Shoreline Master Program

Dear Ms. Flores:

Per our telephone conversations regarding this matter, please consider this letter as a comment on your proposed height limitations under the draft of the Shoreline Master Program currently pending before the Planning Commission and Bremerton City Council.

It is my understanding from review of the plan that other than the downtown core, the draft SMP proposes a height limitation of 35 feet on all shoreline structures. By this letter, I am requesting that this height limitation be increased for all of the commercially zoned waterfront properties to the same height restrictions found within the downtown commercial core of Bremerton.

I am a member of WEBG, LLC. WEBG owns a piece of waterfront property adjacent to the Harrison Medical Center. This particular parcel of property is high bank waterfront. To the east of the property is old Wheaton Way. East of Wheaton Way is a surface parking lot which leads to a significant bluff. A multi-family residential structure sits on the bluff some 50 feet above the grade of our waterfront lot.

This property is zoned employment center. As with other commercial waterfront properties, the Bremerton comprehensive plan and zoning ordinance sets forth development regulations including height restrictions. I believe the analysis and public comment that caused certain waterfront properties to be zoned commercial is a sufficient analysis to satisfy Department of Ecology concerns on an height limitation.

I would hope that the Planning Commission and City Council would agree that having commercial properties with the same height limitation as residential properties is inconsistent with the goals and objectives of commercially zoned property. As we all know, commercial

activities require higher densities and more intensive development. As a result, development regulations for commercial activity typically are less restrictive and provide more flexibility than those for residential uses. Not allowing for an increased height restriction on commercial development will result in more lot coverage and lot "sprawl". While the buildings would be lower, they necessarily would need to be wider and longer. This type of commercial development would arguably have a far more detrimental impact on views than a higher structure. A good example is the Bay Bowl which is directly adjacent to the WEBG property. A taller structure there with a smaller footprint would certainly be more aesthetic than a building covering the entire lot width.

Increasing the height restriction for commercial waterfront would also be consistent with the current comprehensive plan and zoning ordinance for many of the other commercially zoned areas of Bremerton. The WEBG property is zoned employment center (EC). The intent of this zone is to offer a well planned and designed environment where a potentially large employee population is offered the option to live near places of employment. The EC zone provides for integration of employment activities with housing and commercial activities scaled to serve the employee population at the center, thereby reducing home-to-workplace trips. In accordance with this zoning, one option available to the WEBG members would be construction of a multi-family structure on the WEBG lot. This multi-family structure would allow for workers at the Harrison Medical Center to be able to walk to work. The building height for the EC zoning is 80 feet for residential uses and 60 feet for non-residential uses.

I believe the study that was done to create the EC zone along with its comprehensive plan component will satisfy any concerns raised by the Department of Ecology. An 80 foot height restriction for residential uses and 60 feet for non-residential uses is particularly appropriate for the WEBG property as adjacent property would not be detrimentally impacted by the height.

I would submit that other commercially zoned waterfront property should also receive a greater height restriction than residential property. For example, the marine industrial zone cannot function effectively and economically with a 35 foot height restriction.

In response to those who may suggest that a property owner can always get a variance from the height restriction, I can tell you from my own experience that a variance to shoreline height is difficult, if not impossible, to attain. I was the attorney for Oxford Suites in its attempts to attain a variance from the 35 foot height restriction in Silverdale. This height restriction existed despite the fact that the property was zoned commercial and Bayshore Drive was between the hotel and the waterfront. While Oxford Suites eventually received approval from the county and Department of Ecology for a variance, this process took over a year and caused my client to extend tens of thousands of dollars in engineering and architectural fees. Ecology only capitulated when it was pointed out that commercial waterfront properties should benefit from a higher height restriction than that of single-family residential zones.

Nicole Flores  
April 10, 2012  
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Thank you for taking the time to discuss these issues with me. Please let me include this letter in your materials presented to the Planning Commission and City Council.

In closing, you are to be commended for your efforts taken to date on the new SMP.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Broughton", with a long, sweeping horizontal stroke at the end.

William H. Broughton

WHB:ka

## Draft Shoreline Master Program:

Due to the size of the Draft Shoreline Master Program document, it is not easily printed nor can it be emailed. The document is available at [Bremertonshorelines.com](http://Bremertonshorelines.com), or upon request Staff will provide you with a CD with the document on it.