CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

STAFF REPORT

Project: Waterfront Park Dock

File number: PLN11084CSSDP

To: Gary R. Christensen, AICP, Director

Date: March 13, 2017

Project Manager: Heather Wright, Senior Planner

Applicant: City of Bainbridge Island

Location: Waterfront Park at 301 Shannon Drive SE

Request: Dock renovation & expansion to include float & piling demolition & replacement, as well as an expanded float system and expansion to the boat ramp.

Environmental Review: The project is subject to SEPA review pursuant to WAC 197-11-800. The City, acting as lead agency, issued a Mitigated Determination of Non-Significance threshold determination for this proposal on September 16, 2016 with the appeal period ending on September 30, 2016. No appeals were filed.

Recommendation:

Approval of the shoreline substantial development permit subject to the following conditions:

SEPA CONDITIONS:

1. The 23 existing creosote treated pilings shall be removed using vibratory extraction to the greatest extent practical. Piles shall be removed slowly to minimize sediment disturbance and turbidity in the water column. Piles which cannot be extracted shall be cut below the mudline.
2. In order to minimize creosote release during extraction, extraction equipment shall be kept out of the water where possible to avoid "pinching" piles below the water line.
3. All manmade construction debris shall be collected and prohibited from entering the waters of the

state. All construction debris shall be disposed of at an approved upland site.

4. All in water and over-water installation and construction activities shall adhere to authorized work windows established by the Washington Department of Fish and Wildlife.
5. All equipment used in or around waters shall be clean and inspected daily before use to ensure there are no fluid leaks. Should a leak develop during use, the leaking equipment shall be removed from the site immediately and not used again until adequately repaired. Equipment shall be stored and/or fueled at least 100 feet from any surface water where possible.
6. The existing solid decking floats shall be replaced with floats that have 55% functional grating.
7. New floats shall be manufactured off site. Flotation for the float shall be fully enclosed and contained in a shell (e.g., polystyrene tubs not shrink wrapped or sprayed coatings) that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation and/or abrasion caused by rubbing against piling and/or waterborne debris.
8. The float stop collars shall be installed to keep the floats a minimum of one foot above the tidelands.
9. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
10. The 26 new pilings shall be galvanized steel to reduce impacts on the substrate caused by leaching of creosote into the intertidal substrate. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations.
11. Use of arsenate compounds or creosote-treated members is prohibited. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol.
12. Extreme care shall be taken to prevent petroleum products, chemicals, or other toxic or deleterious materials from entering the water and degrading water quality. If a spill does occur, or if oil sheen or any distressed or dying fish are observed in the project vicinity, work shall cease immediately and Washington Department of Ecology shall be notified of such conditions. Contact: Northwest Regional Spill Response Section at (206) 649-7000.
13. No over-water application of paint, preservative treatment, or other chemical compounds shall be permitted at any time.
14. All materials that may come in contact with surface water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
15. Wood that is treated with creosote, copper chromium arsenic (CCA) or pentachlorophenol (PCP) is prohibited.
16. All treated wood products in this project shall be produced in compliance with the "Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments" (BMPs) published by the "Supporting Organizations, November 1, 2011 or the most current version including published amendments: http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf.
17. Prior to building permit issuance, the applicant shall provide the City with assurance that all treated wood has been produced in compliance with the BMPs noted in Condition 16. Assurance will be in the form of a written certification document or the material may be stamped or tagged with the BMP Mark pursuant to the Western Wood Preservers Institute quality assurance program.
18. Project managers, contractors and sub-contractors on this project shall be familiar with and apply as appropriate the Installation and Maintenance Guidelines of treated wood as outlined in the BMPs noted in Condition 16.

19. The applicant shall notify City staff within 48 hours of project completion in order to allow for field inspection and document compliance with the conditions of approval.
20. To mitigate impacts to the aquatic habitat, the estimated 1,088 square feet of rip rap debris shall be removed as provided in Attachment 3 of the Waterfront Park Dock Renovation and Expansion Project Biological Evaluation, prepared by Marine Surveys and Assessments, unless amended by the Army Corps of Engineers and approved by the City of Bainbridge Island. Pursuant to Attachment 3 titled: *Debris Removal Mitigation Details*, photographs shall be taken before and after the clean-up process. Details and photographs shall be provided to the City. Material that can be recycled shall be and material that cannot be recycled shall be taken to an approved landfill. A final report shall be prepared and provided to the City once the removal process is complete.
21. Work shall immediately stop and the Department of Planning and Community Development and the Department of Archaeology and Historic Preservation shall be immediately notified if any historical or archaeological artifacts are uncovered during excavation or construction. Construction shall only continue thereafter in compliance with the applicable provisions of law.

PROJECT CONDITIONS

22. The City shall provide boater education addressing boater impacts on water quality and other shoreline resources, and boater safety and requirements for boater use of sewage pump-outs to their marina users
23. No more than 10% of the surface area of a marina or 10% of its slips, whichever is less, shall be devoted to live-aboard vessels, including houseboats, except that the percentage of live-aboard vessels may be increased through an approved conditional use permit.
24. Work shall be completed in substantial compliance with the design and specifications included in the attachments, except to comply with these conditions.
25. A building permit shall be obtained from the Department of Planning and Community Development prior to commencing construction.
26. The applicant shall notify the Department of Planning and Community Development in writing at least 48 hours before work is to begin and the duration of the work period.
27. Construction pursuant to this permit shall not begin and is not authorized until 21 days from the date of filing with the Department of Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
The authorization granted by this SSDP to construct the proposed dock shall expire within two years unless substantial progress towards completion is undertaken. Authorization for the proposed structures shall terminate five years after the date the permit is approved by the city, unless an extension is granted in accordance with BIMC 16.12.370 D.2.d.
28. The applicant shall notify the Department of Planning and Community Development when the project is complete and allow for post-project field inspection of the project.
29. Activities to be undertaken as part of this permit require approvals or permits from the Washington Department of Fish and Wildlife and US Army Corps of Engineers. Evidence of required approvals shall be submitted to the Department of Planning and Community Development prior to the commencement of any construction activities.
30. A copy of all public agency approvals and approved drawings shall be given to all contractors performing work at the site prior to beginning any construction work.
31. Lighting shall be limited to the minimum necessary for safety or as required by the Coast Guard.
32. No overhead wiring or plumbing shall be allowed on the pier/ramp/float.
33. Only non-reflective construction materials shall be used.

34. The applicant shall notify City staff within 48 hours of project completion in order to allow for field inspection and document compliance with the conditions of approval.
35. The City shall post a sign that describes regulations pertaining to handling of waste, prohibiting use of marine toilets, prohibiting disposal of fish and shellfish cleaning wastes and best management practices for boat maintenance and repairs on site.

I. Introduction

The City of Winslow acquired and developed the site as a park in 1975 along the north shore of Eagle Harbor. The park originally included tennis courts, picnic tables, lighting, 52 parking spaces, mooring buoys, a building remodel and tot lot play equipment. In 1985, the public boat launch and dock were constructed.

Figure 1. City Dock

Waterfront Park and City Dock are Winslow's sole point for public access to water. The area where the dock attaches to the land is one of the most active places in Winslow; it is where dock users transition from water to land, Bainbridge Island Rowing members launch rowing sculls, sailing school participants gather, boaters launch their craft and park visitors find a beach and a place from which to view water activities.

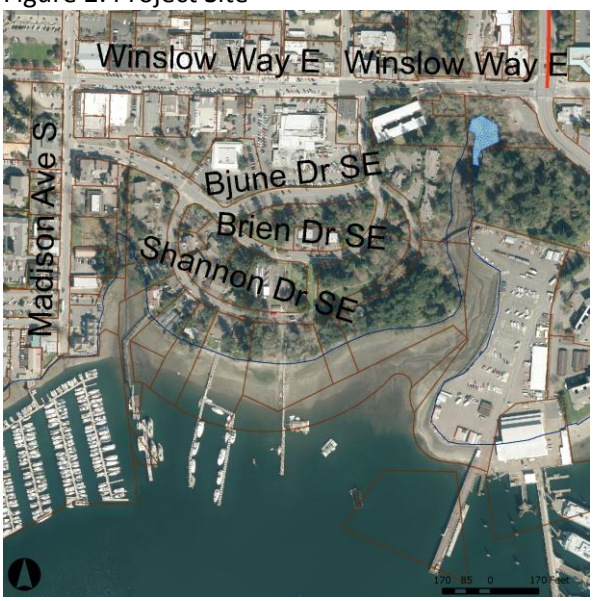
In early 2013, the Harbor Commission presented a proposal to the City Council for a new city dock. They proposed expanding the dock to accommodate peak summer season demand – both for visitors to the island and local recreation. This spurred the City Council to expand their scope beyond the dock but also to the upland. Collectively, the City adopted a Waterfront Park Plan, has approved a redesign of the Park through the land use process and is constructing the approved upland improvements. The City is slated to begin work on the dock in the summer of 2017.

The City dock and boat launch proposal includes expanding the launch pad, upgrading the float system and an overall extension of the dock to reach the limit of the DNR leasehold. The new "hockey stick" design will feature larger floats on the angled blade to permit moorage of larger vessels and to accommodate both vessel passengers and those simply enjoying a walk on the dock. The new dock will also include a series of low-freeboard floats intended to facilitate launching of kayaks and rowing sculls.

The existing, 32 year old dock is composed of a 26' X 160' concrete ramp, 6' X 252' board float and a 10' X 130' mooring float with a kayak concessionaire float and 23 creosote piles with a 12-14 inch diameter. The proposal is to keep the 26' X 160' concrete ramp and to install 10' X 250' boarding floats and 10' X 270' new type A mooring floats and a 12' X 200' new Type B mooring Float and six steel 12 inch diameter and 20 steel 24 inch diameter piles. In addition to the dock, the 26' X 160' concrete boat ramp with armor rock around its perimeter is proposed for a 30' X 40' feet rock pad extension (Reference Doc D).

Figure 1. Project Vicinity

Figure 2. Project Site



All proposed uses and development occurring within the shoreline jurisdiction must conform to the Washington State Shoreline Management Act (SMA) and the Bainbridge Island Shoreline Master Program (SMP). Developments exceeding a certain cost threshold require a substantial development

permit. Compliance with the provisions of the SMP, SMA and applicable BIMC regulations is described below.

II. Findings of Fact

A. Site Characteristics

1. Tax Assessor Information:

- **a. Tax Lot Number:** 41140020010000
- **b. Owners of Record:** City of Bainbridge Island
- **c. Lot Size:** 5.54 acres (Waterfront Park)
- **d. Land Use:** Waterfront Park

2. Terrain: Gentle slope from the north to the south towards the water.

3. Soils: Beaches and Norma fine sandy loam

4. Existing Site Development: Waterfront Park is the only large green space on Bainbridge Island that is located close to Winslow Town Center, along a city-wide trail system and near the Washington State ferry terminal.

The property is under redevelopment to include new paved pathways, picnic pavilion, utility improvements and site furnishings (SPR18924 & SSDP18924) and a new, 12,000 square foot, two-story building (daylight basement) to house the Bainbridge Island Rowing Club (SPR50155).

5. Access: The site is accessible by the water, walking paths and Brien, Bjune and Shannon Drives. A multimodal path connects the Washington State Ferries terminal via a bridge to the park.

6. Public Services and Utilities:

a. Police - Bainbridge Island Police Department.
b. Fire - Bainbridge Island Fire District #23.
c. Schools - Bainbridge Island School District.

7. Zoning/Comprehensive Plan Designation: Mixed Use Town Center (MUTC-CORE) – Central Core Overlay District.

8. Surrounding Zoning/Comprehensive Plan Designation: Mixed Use Town Center (MUTC-CORE) – Central Core Overlay District.

9. Surrounding Uses: The surrounding properties are developed with a variety of uses, including the Community Center and Town & Country grocery store to the north, residential dwelling units to the west and east and Eagle Harbor to the South.

B. Procedural History

The applicant submitted a SSDP application and SEPA checklist (Reference Doc A & E) on September 22, 2015. A 30-day notice of application and SEPA comment period was published on November 6, 2015 and expired on December 7, 2015. The SEPA determination was made on September 16, 2016 with the appeal period ending on September 30, 2016 (Reference Doc F). No appeals were filed.

C. Public and Agency Comment

No public comments were received during the public comment period.

III. Shoreline Substantial Development Permit (SSDP) Decision Criteria (BIMC 2.16.165)

The proposal meets the decision criteria for SSDPs outlined in BIMC 2.16.165.F.3.b as described below:

In making the decision, the administrator shall grant a substantial development permit only when the development proposed is consistent with the following:

(A) The applicable policies, guidelines, and regulations of the Shoreline Management Act of 1971; Chapter 90.58 RCW, as amended; and Chapters 173-26 and 173-27 WAC or their successors.

The Bainbridge Island SMP is consistent with the SMA; as such, compliance with the local program demonstrates consistency with the SMA.

(B) The goals, policies, objectives and regulations of the city of Bainbridge Island shoreline master program.

Compliance with the Bainbridge Island SMP is outlined in Section IV, below.

(C) The city of Bainbridge Island comprehensive plan and municipal code; all other applicable law; and any related documents and approvals.

The proposal was reviewed for consistency with the Bainbridge Island Comprehensive Plan and was found to support its goal for overwater structures in that it replaces a dock with solid floats and creosote pilings with grated floats and steel pilings, increases public accessibility to the water and avoids adverse impacts to shoreline ecological functions and ecosystem-wide processes. The proposal was reviewed for consistency with the Bainbridge Island Municipal Code (BIMC) and was found to meet all use and dimensional standards. No other related documents or approvals apply.

The administrator shall also consider whether the cumulative impact of additional past and future requests that reasonably may be made in accordance with the comprehensive plan, or similar planning document, for like actions in the area will result in substantial adverse effects on the shoreline environment and shoreline resources.

Staff considered whether approval of the City's proposal would lead to similar requests for public dock renovations. The City would likely approve similar requests for replacement docks if the application materials demonstrated compliance with the SMP's goal for overwater structures – providing public access to the waterfront, rebuilding and expanding an existing public dock rather than constructing a new dock at a different location, removing and replacing an older dock that does not have grating and is supported with creosote pilings and replacing with grating and steel pilings. The cumulative impact of such additional requests would not result in substantial adverse effects on the shoreline environment and shoreline resources and would rather improve the shoreline environment and resources.

IV. Compliance with Bainbridge Island Shoreline Master Program

Compliance with applicable sections of the Bainbridge Island SMP is described in the following sections:

A. Section 3.0: Shoreline Designation Policies and Regulations

This proposal is consistent with the purpose and management policies of the Island Conservancy designation in that it accommodates public recreational uses while incorporating elements compatible with protecting, conserving and restoring ecological functions and ecosystem-wide processes.

B. Section 4.0: General (Island-wide) Policies and Regulations

Table 4-1 Shoreline Use and Modification

Piers and Docks typically require a conditional use permit, except specific to Waterfront Park, the use requires a shoreline substantial development permit.

Table 4-2. Dimensional Standards

The only applicable dimensional standards is a 10' side yard setback for overwater structures. The proposal exceeds this standard as shown on the site plan submitted with the application.

C. Section 4.1.2: Environmental Impacts

Compliance with the applicable provisions of Section 4.1.2 are summarized below, including: impact analysis and no net loss standard, revegetation standards, mitigation standards and sequencing, surety and monitoring and maintenance.

All shoreline development, uses and activities are required to result in no net loss of ecological functions and processes necessary to sustain shoreline resources. In order to demonstrate compliance with this provision, an applicant is required to submit both a site-specific impact analysis and mitigation plan, when needed.

Baseline Conditions. Baseline environmental conditions for the project site are documented in the site-specific impact analysis (Marine Surveys & Assessments; September 15, 2015; Reference Doc B) and Biological Evaluations (Marine Surveys & Assessments; August 3, 2015; Reference Doc C) submitted with the application.

Waterfront Park is located within reaches 3146 & 3147 of Eagle Harbor (Williams et al. 2004). The ecological function in Eagle Harbor is low relative to the rest of the island. According to Williams et al., shade, pollution and physical disturbance affect the ecological function of these reaches. The percent impervious surface area exceeds the percentage of natural vegetation in the marine riparian zone in both reaches. The marine riparian zone is over 70% impervious and overhanging vegetation ranges from 0 to 40%. The bulkhead along the park's shoreline has disrupted natural sediment transport and severely limited forage fish spawning and juvenile salmon migration. No forage fish spawning areas, eelgrass or bull kelp have been documented along the shoreline of Waterfront Park (Williams et al. 2004).

Existing vegetation, including a mature native tree canopy and limited shrubs and groundcover, provide a marine riparian zone that likely performs a number of ecological functions affecting the quality of on-site and nearby aquatic and terrestrial habitats. These functions include: providing wildlife habitat for terrestrial species and marine birds, providing shade, tree and woody debris recruitment, bank stabilization and moderating the effects of stormwater runoff by filtering pollutants and reducing erosion.

In general, barnacles were present from the OHWM down to the +4 MLLW line at approximately 100' seaward from the baseline. Low abundances (<5 organisms/10' surveyed) of Piaster Seastars, Graceful and Red Rock Crabs were found from the intertidal to subtidal, approximately 0 to -15 MLLW, or distances of approximately 150' to 350' seaward from baseline. Lastly, low abundances (<5 organisms/10' surveyed) of Plumose anemones were found in the subtidal approximately -15 to -30 MLLW, or distances of approximately 350' to 600' seaward from baseline. No forage fish spawning areas, eelgrass or bulk kelp have been documented along the shoreline of Waterfront Park (Williams

et.al. 2004).

Anticipated Impacts and Proposed Mitigation. Overall, the proposed project will result in no net loss of ecological function and value to the marine habitat. In fact, there will be a gain in ecological function and value due to the incorporation of grating in the replacement floats and the removal of creosote-treated pilings. These measures are expected to result in improved water quality and reduce shading to the marine environment.

Mitigation will consist of the replacement of old solid decked floats with floats with grating. In addition, creosote-treated pilings will be removed from the site and replaced with galvanized steel pilings. Debris will be removed from the area under and adjacent to the existing dock. Rip rap that has migrated away from the shoreline will also be removed resulting in approximately 1088 square feet of riprap removal from the beach.

The site specific impact analysis includes an overview of mitigation sequencing applied to project design and construction. Avoiding impacts will occur as the footprint of the proposed dock is largely in the footprint of the existing new dock. Most of the proposed new float additions of the replacement float structures are in waters where there is little macroalgae. Approximately 3,500 square feet will be located in depths greater than -20.0' MLLW, thereby avoiding shading impacts on the benthic environment. Pole driving can only occur during the July 16 to October 14 work window to avoid impacts to migrating salmonids and potential sand lance activity (Condition 4).

Impacts will be **minimized** by fully enclosing and containing flotation to prevent break up or loss of the flotation material in the water (Conditions 7 & 9).

Design parameters are proposed to **rectify** the environmental conditions of the substrate and microalgae under and adjacent to the renovated structure including: removing 23 leaching, creosote – treated pilings with 26 galvanized steel pilings. In addition, the replacement floats will have 55% functional grating installed, whereas the exiting floats are solid (Conditions 6 & 10).

Impacts are **reduced** with the proposal by utilizing materials that degrade at a slower rate and that have less of a detrimental impact (Conditions 2 & 3).

Compensation is proposed by the removal of creosote pilings and a replacement with steel pilings, replacement of a solid deck float with grating, and the removal of underwater debris and riprap under and adjacent to the existing structure (Conditions 6, 10 & 20).

Monitoring is not proposed as the project design will result in a net ecological gain through both its design and the removal of debris. However, the debris and riprap removal process will include before and after photographs of the clean-up process, and documented in a final report (Condition 20).

As conditioned, BMP's will be utilized during project construction to avoid impacts to the shoreline environment. These measures are intended to reduce potential impacts to shoreline, nearshore, and aquatic habitats so that at a minimum the environmental baseline will be maintained. These BMP's – or conservation measures – are described in detail in the conditions of approval. The utilization of these BMP's will reduce construction impacts and ensure no net loss.

D. Section 4.1.5: Critical Areas

Critical saltwater habitat is an identified critical area. WAC 173-26-221(2)(c)(iii)] defines critical saltwater habitat as:

> Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

The site-specific impact analysis submitted with the application provide a summary of existing information that is sufficient to characterize the presence of critical saltwater habitat and/or functions and processes. No forage fish areas were present in the project area. Juvenile salmonids and other anadromous fish utilize Eagle Harbor for migration and access to three fish-bearing streams within the management area.

E. Section 4.1.6: Water Quality and Stormwater Management

All shoreline development must minimize any increase in surface runoff through control, treatment, and release of surface water so that the receiving water quality, shore properties, and features are not adversely affected. Temporary water quality impacts are expected during pile removal and pile driving. Increased turbidity is expected to be localized and brief. As conditioned, the project shall apply Best Management Practices (BMPs) to protect water quality during construction (Conditions 5, 12-18).

F. Section 4.2.2: Cultural Resources

New shoreline use and development must preserve and protect cultural resources that are recorded by the Washington State Department of Archeology and Historic Preservation or local registry and resources that are inadvertently discovered during use or development activities. Cultural resources are present on the upland property. As conditioned, the applicant will follow applicable procedures if, during construction, the tidelands are found to contain, or have a significant probability of containing, cultural resources (Condition 21).

G. Section 4.2.3: Parking Facilities

Code requires that for the first 50 moorage slips, 1 vehicle space per 2 slips be provided. It also requires that launch ramps be located where access streets are adequate to handle the traffic load generated by the ramp and to minimize other circulation and access conflicts. At least ten (10) car and trailer spaces shall be provided for each ramp lane.

Parking to serve the dock and boat launch ramp are existing and no additional parking spaces are proposed. The site currently provides five spaces in the park and around 40 spaces on Bjune that are reserved on weekend days and holidays. The amount of boat slips the dock could accommodate is 32, which require 16 parking spaces. The ramp requires 10, for the minimum amount of required spaces for the dock and ramp at 26. The existing parking configuration can accommodate the required amount of spaces, however, it is assumed since over half of the slips are for deep water moorage or non-trailerable boats, that the majority of dock users will access the site by water.

G. Section 5.3 Boating Facilities

Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state. Expansion of existing marinas is

preferred over the addition of new marinas. The proposal is to replace and expand an existing boating facility that provides public access and enjoyment of Eagle Harbor. Mitigation will occur through the removal of creosote piles and non-grated floats and the replacement of non-leaching piles and grated floats. In addition, riprap and debris will be removed from the project area.

This section sets the control for the length of the proposed dock. It states that marinas shall not extend waterward farther than the construction limit line. The proposed project does not extend beyond the construction limit line for the Harbor.

Figure 3. Eagle Harbor Construction Limit Line

Utilities to support marina development shall include accessible boat sewage disposal systems, facilities for the collection and dumping of marina originated materials including sewage, solid waste and petroleum. The required utilities and facilities to support the dock are either being provided on the dock or on the adjacent Waterfront Park. The dock will have an accessible boat sewage disposal while the park will provide a dumpster and two recycling containers, a restroom facility with three separate bathrooms and handwashing facilities.

Management and operation requirements are also found in the Code. The City is meeting these requirements with the exception of the sections identified below, as conditioned.

Temporary transient moorage spaces shall be made available when a marina is owned, operated by a governmental agency for use by the public (Condition 22). Marina operators shall post signs that describe regulations pertaining to handling of waste, prohibiting use of marine toilets, prohibiting disposal of fish and shellfish cleaning wastes and describe best management practices for boat maintenance and repairs on site. The City does not currently have such sign and will provide prior to the completion of the dock (Condition 25). All marina developments shall provide boater education addressing boater impacts on water quality and other shoreline resources, and boater safety and requirements for boater use of sewage pump-outs to their marina users. Live-aboard vessels, including houseboats, shall be permitted only in marinas. No more than 10% of the surface area of a marina or

10% of its slips, whichever is less, shall be devoted to live-aboard vessels, including houseboats, except that the percentage of live-aboard vessels in marinas may be increased through an approved conditional use permit. [WAC 332-30-171 or its successor] The project is conditioned to meet these requirements to ensure that boater education is continued for boaters using the dock and to limit the amount of live-aboard vessels (Conditions 23 & 24).

Boat launch ramps are allowed subject to design and location regulations. Public boat launches are allowed on stable banks where current deflectors or other stabilization structures are not necessary. Solid structures are permitted when appropriate for the intended level of use. The park provides the only public boat launch on Bainbridge Island for trailerable boats. Unfortunately, it terminates at approximately elevation 0.00 MLLW making it unusable at many tides. By extending the ramp, it will make it usable at most tides. The flora and macroalgae survey indicated that the boat ramp and all transects near are barren. The proposed expansion does not require stabilization structures.

H. Section 5.8 Recreational Development

Water-dependent recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans. The proposed expansion is consistent with the Waterfront Park Master Plan (March 20015). A goal of the adopted plan is to strengthen the park's connection to the water. A policy is to improve access to the water for organized water-based activities. The plan also included a draft site plan of the dock that is similar in size and configuration to the proposed dock.

Recreational development shall be located, designed and constructed to maintain, enhance, or restore scenic views, aesthetic values, and public access, as appropriate. Through the site planning and permit review process, the City may adjust and/or prescribe project dimensions or location of on-site project components, intensity of use, screening, parking requirements, and setbacks as deemed appropriate to meet the recreational needs of the project and the standards of this Program. The Waterfront Park and adjoining streets provide parking for the dock use and no additional parking is proposed. Upland park improvements are under construction to improve scenic views and public access to the park and the dock. The length of the proposed dock does not exceed the construction limit line.

Section 6.3: Overwater Structures

Public docks are encouraged. Local programs and coordinated efforts should be initiated to develop new public access docks and to remove or repair failing, hazardous, or nonfunctioning piers and docks. New docks and piers are allowed only for water-dependent uses or public access. As proposed, the City is removing a hazardous dock and replacing with a new dock for public enjoyment.

a. Piling regulations. New piling must be steel, concrete, plastic or untreated or approved treated wood, if approved by USACE. Any piling subject to abrasion (and subsequent deposition of material into the water) must incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations. Piling employed in piers or any other structure must have a minimum vertical clearance of 18 inches above extreme high water. Piles, floats, or other components in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol. The existing dock is support by (23) 12 to 14-inch diameter timber creosote piles. These will all be either direct pulled or vibrated out and demolished (Conditions 1 & 2). The proposal includes six new 12-inch and 20 new 24-inch diameter steel pipe piles to anchor the float system. As proposed, pilings will have a minimum vertical clearance of 18 inches above extreme high water and no components will be treated or coated with biocides such as paint or pentachlorophenol.

b. Float regulations. Length limitations are not provided for marinas. Floats are to provide grating on at

least 50% of the surface area of the float. The existing dock is comprised on the following float system: 6' X 252' concrete float system situated over the concrete boat ramp, a 6' X 20' feet concrete ramp abutment connecting to the boarding float system, a 10' X 30' concrete float system. These will be removed from the waterway and demolished.

The project proposes (12) 10' X 22' feet aluminum framed float systems with polytube flotation. This is comprised of 13 individual float, 12 of which will be below MHHW. The entire deck surface will feature light penetrating grating that meets the 60% open requirement. Accounting for structures below deck; this results in 49.5% of the deck surface having functional grating. These floats will be situated partially over the existing boat ramp. In order to support these floats during low tides, they will be designed with an aluminum support post at each corner. On the east side of the boat ramp, beneath each support post, a 20-inch diameter concrete landing pad will be installed on a layer of gravel base. The float posts and landing pads will maintain a flat and even float walking surface during low tides.

c. Float stop regulations. The floats are supported by aluminum grounding posts to keep the tubs of the ground at low tides.

V. Conclusion

Staff finds that as condition, the proposal meets all shoreline substantial development decision criteria and complies with applicable sections of the Comprehensive Plan, BIMC and SMP. As conditioned, the proposal will result in no net loss of shoreline ecological functions and processes.

VI. Appeal Procedures

Any decision of the Director may be appealed to the Hearing Examiner in accordance with the procedures of BIMC 2.16.020 (P).

VII. Reference Documents *(note all reference material may be accessed via the City's Website Online Permit Portal-Smartgov)*

(The following reference materials can be found under the "submittals" and "notes" sections under this file number: PLN11084C SSDP) Waterfront Park Dock

A. Project Application received 9/23/2015
B. No net loss report received 9/23/2015
C. Marine Report received 9/23/2015
D. Plan Set received 9/23/2015
E. Environmental SEPA Checklist received 9/23/2015
F. Notice of Mitigated Determination of Nonsignificance dated 9/16/2016