

Peter Best

From: Cheryl Coon <cherylcoon@gmail.com>
Sent: Sunday, March 15, 2020 2:27 PM
To: Peter Best
Subject: 2nd email with relevant attachments from 2016 variance application
Attachments: 50280 SSDP Flood, Chuck E-mail.pdf; 50280 SSDP Eber E-mail Attachment 090116.pdf; 50280 SSDP Fuller E-mail 090116.pdf; 50280 SSDP Flood 090216.pdf; 50280 SSDP Devon Letter 082916.pdf

Dear Peter,

In our conversation on Friday, in answer to my question about inclusion of the 2016 file, you noted that none of the submissions to the 2016 file would be included in the 2020 application. Because the two applications were essentially identical with regard to neighborhood concerns, most of the 2016 public testimony is relevant.

Accordingly, I hereby request that testimony submitted in 2016 by the commenters in the attached documents be included in the 2020 record. This is my second email with attachments.

Sincerely,
Cheryl Coon

Chuck Flood

From: Chuck Flood [chuck@chuckanddebbie.com]
Sent: Thursday, September 01, 2016 10:54 AM
To: 'Josh Machen'; 'Heather Wright'; 'pcd@bainbridgewa.gov'
Subject: Comments - Wysong/Ziembra Dock Replacement PLN50280SSDP

City of Bainbridge Island

SEP 02 2016

Planning and
Community Development

Wysong/Ziembra Dock Replacement PLN50280SSDP

On August 23 we submitted what we considered to be preliminary comments and objections to both the project and the process. Our final (for the time) comments follow below.

Re: the project:

We have to assume that the usual environmental considerations will enter into a decision to issue the permit:

- construction activity stirring up bottom sediment
- impact on shellfish
- impact on the small streams that feed into Manzanita Bay that are used by spawning salmon
- whether the dock would alter movement of water in the bay and make the bay less able to rid itself of pollutants
- whether the eagles that are often seen resting on floating docks in the bay would be affected or driven away

However, two other factors might escape the attention of an agency eager to issue the permit for the purpose of collecting as many fees as possible. First of all, the boat lifts. Their purpose, as I understand it, is to hoist boats out of the water so that they can be worked on. Thus in addition to the long-term issues caused by spillage of oil, gas, and other noxious substances from the motor boats that this dock would service (let alone the noise pollution that motor boats cause), account should be taken of what environmental impacts might accrue from boat repair activities: for instance paint, or fiberglass resin, or whatever is involved in repairs possibly leaking or being accidentally dumped into the bay.

Another concern is the damage this project would do to the aesthetic environment. It would ruin a beautiful view across the bay towards the Olympic Mountains. According to the Plan/Elevation View for the dock, a boat on its hoist would sit 11.4 feet above low tide (it actually looks more like 15 feet on the diagram). An ugly eyesore in the middle of a beautiful body of water.

The proposed project would overwhelm this little bay. It is completely out of scope and would turn the bay into the private marina for the applicants' use at the detriment to the rest of the neighborhood; public waters sacrificed for the use of only a few. This is not acceptable.

Re: the process:

Comments about the process must start with the Notice of Application. First of all, the image of the project area contained in the Notice was ridiculously small - it gives no idea of the true size of the proposed dock, its orientation, nor the impact it would have on the bay. To get details it was necessary for me to open a FOIA; even then, it took several days out of the 14-day comment period before the information was made available.

The language of the Notice is condescending to the point of being offensive. For instance: the city "expects to issue a Determination of Non-Significance." Maybe it's just boilerplate language but anyone reading that sentence cannot help but to conclude that the city has already made up its mind and that this comments-gathering period is just some perfunctory nod toward being concerned about how the locals feel. I have asked direct questions about this - particularly what criteria are used in making that decision (if the city expects to issue a DNS, it must have some pre-existing reason for doing so) and have never received anything close to a satisfactory reply.

Another issue for use is the language about "utilizing the optional DNS process provided in WAC" Do you really expect the average citizen to be familiar with that regulation? Do you think we have ready access to it and can work our way through the legalese? Why should we? It's your responsibility to enumerate what those other options are, and why this specific option was chosen particularly if it circumvents such requirements as a full EIS

or holding a public meeting.

Speaking of which, the Notice states that "any person may participate in a public hearing, if any." The implication is that a public hearing may be part of the comments process. What isn't stated is that a public hearing will be held ONLY after the permit is granted and an appeal is filed. It seems that this option severely cuts back on the intent of the Notice - to gather comments - and stacks the deck in favor of development.

No overall view of the process being followed was made available to commenters by the city. We are given only a glimpse into the process, and even that glimpse consists of misleading language. As we said earlier, all of this indicates that the permit is a fait accompli; that the city has already made a decision and is merely going through the pro forma charade of soliciting comments because you're required to do so, and will then proceed with issuing the permit once the comment period is ended (and after suitable time has elapsed for the enraged locals to have forgotten about it).

Overall:

The project: Unacceptable. The permit should not be issued.

The process: Flawed. In no way does it meet the city's self-proclaimed goal of transparency.

In closing I wish to single out two individuals for special attention. Heather Wright was named as the point of contact in the Notice, but she has not replied to an email since August 23 and, according to reports, has refused to meet with people who have visited city hall for the purpose of discussing the project.

Josh Machen, whose role has never been explained, was no better at replying to emails and was unable or unwilling to answer even simple, straight-forward questions. Example: after Ms. Wright abrogated her responsibility to reply in a prompt manner, I received an email from Mr. Mechan stating that "the City will only hold a public hearing on this type of application if there is an appeal." I asked what he meant by "this type of application." A week and a half later and after two follow-up emails, I have never received an answer.

How the city can condone conduct such as this is beyond me. These people work for us - the residents of Bainbridge Island - and should not be allowed to shirk their obligations to the public.

Charles F. Flood

Deborah D. Flood

Jane Rasely

From: Fran Fuller <franfuller61@gmail.com>
Sent: Thursday, September 1, 2016 10:19 PM
To: PCD
Cc: Jane Opalko; Fran Fuller
Subject: Comment for Wysong/Ziemba Dock Replacement PLN50280SSDP

To: Heather Wright, Senior Planner
Department of Community Planning and Development
Bainbridge Island, WA 98110
pcd@bainbridgewa.gov

Dear Ms Wright:

We object to the subject project on ecological and aesthetic grounds. Ecologically, we believe that a dock of the proposed length, wide enough to incorporate two hoists, would interfere with the outflow from Manzanita Creek and the tidal exchange with Little Manzanita Bay. The intrusion of the dock would disrupt sensitive habitat in the creek and bay and make efforts to restore it that much more difficult, if not impossible. We also believe that construction of the dock would significantly increase sediment and turbidity in the creek and bay, and ongoing use would raise sediment levels far above what they are today. We wonder what other construction and use impacts could arise from such a large dock such as fuel leaks. We urge the City to revisit the expectation that a Determination of Non-significance is appropriate for this proposal.

Aesthetically, we believe that the proposed dock is far out of scale with Little Manzanita Bay and its other existing docks. The current narrow dock of roughly 85 feet in length is in proportion to existing docks and with the bay itself. The proposed dock is nearly 3 times longer. The addition of boat hoists will make the proposed dock even wider. In our eyes, the proposed dock would not align with the current quiet, natural character of Little Manzanita Bay.

Further, we believe approving this proposal will set the wrong precedent for future proposals on Little Manzanita Bay. Approval would open the door for more and bigger docks, which would further worsen ecological degradation in the area. Additional big docks would deter the quieter forms of recreation such as rowing, kayaking, and swimming for which the bay currently provides such a perfect location.

During the 1940s and 1950s, our grandparents, Allan and Blanche Miller, owned the Westinghouse-Lindberg property, where this project is located. We have no claim to this property other than a sentimental one. Our interest in this project stems from our desire that the Little Manzanita Bay waterfront be maintained in the quiet, natural state our grandparents loved.

We urge the City to reject this proposal.

Sincerely,
Jane Opalko, The Woodlands, TX
Mary Frances Fuller, Mountain View, CA

Lorenz Eber

12106 Heron Street
Bainbridge Island, WA 98110

September 1, 2016

Ms. Heather Wright
Department of Planning
and Community Development
City of Bainbridge Island
280 Madison Ave. North
Bainbridge Island, WA 98110

Re: Wysong/Ziembra Dock Replacement PLN 50280SSDP

Dear Ms. Wright,

I am a Civil Engineer and building professional with 30 years of experience in building and development, seven years of which I served in the Public Works Department at the City of Bainbridge Island. Over the years I have been very impressed by the excellent and thoughtful planning that the City of Bainbridge Island has displayed in all of its past development efforts.

The Wysong/Ziembra dock replacement development application, however, has me concerned if it were built as proposed. I feel strongly that a public hearing is required before this potential project is permitted by your department.

Little Manzanita Bay currently has a breathtaking, unspoiled vista of the Olympic Mountains that is regarded by many Islanders as the best view on Bainbridge Island. Pedestrians, bicyclists and motorists purposefully take Manzanita Drive as a detour to take in this incredible scenery on a sunny day or at sunset. Both the 'Chilly Hilly' and 'Bike for Pie' bike rides craft their routes purposefully to include this stunning vista.

A 300-foot-long dock with two massive boat lifts at its terminus, would intrude into the left side of the frame of this vista and permanently spoil one of the last remaining natural mountain views on the Island.

While nearly all bays on the Island now have large and often high docks that intrude into views, Little Manzanita Bay is the one bay that is not so encumbered. Since the bay is unusually shallow, no one in the past has attempted to build a dock long enough to gain deep water access here. The proposed project would

change all that and set a precedent for other developers to extend further and further out into the bay from other properties, until this natural asset has been erased from view for generations to follow.

While I am a strong supporter of individual property rights, I strongly feel that the cost for the Island public, in this case far outweighs the gain of two individual property owners.

Bainbridge Island is largely a magical place to live because the Bainbridge Island Planning Department has had the foresight and determination to preserve the beauty of this place. Many planners and City Councils in the past have made the hard decisions of placing the good of the community over the will of individuals and thereby created an Island that is truly one of the best places to live on this small, planet.

I trust and hope that the City again finds the strength to keep to its tried and true principles and modifies the proposed project, such that the magnificence of Little Manzanita Bay remains for generations to come.

Sincerely,

Lorenz Eber, P.E.

Robert Alexander & Kathleen Devon
6650 NE Bayview Boulevard
Bainbridge Island, Washington 98110

Home: 206-451-4337 Work: 206-515-1835 Cell: 206-890-2157

Email: robale@aol.com

Bainbridge Island

August 22, 2016

AUG 29 2016

Heather Wright
City of Bainbridge Island
Senior Planner
Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110

Dept. of Planning &
Community Development

Ref: Wysong-Ziemba Dock Replacement PLN 50280SSDP

Dear Ms. Wright,

My wife and I have been residents on Little Manzanita Bay for the past 5 years. One of the many reasons we purchased this house on the water was the strong environmental controls the city has adopted over the use of the waterfront. The emphasis on preserving the natural environment and the focus on esthetic natural features appealed to us and I'm sure to many other people.

We oppose the Dock Replacement Plan as submitted to the City of Bainbridge Island. Little Manzanita Bay is a beautiful small narrow bay with no obtrusive docks sticking out into the tidelands. We can see the damage that has been done by the City of Bainbridge Island allowing the construction of a large number of lengthy docks in Manzanita Bay and Port Madison.

These long docks on waterfronts of Bainbridge Island create un-natural blocks in the waterways and on the beach. One does not have to possess an elevated esthetic sense to see these docks as ugly and self-defeating blocks to the viewing the natural resource of our waterfront. Additionally, the wall-like structure of the docks make enjoyment of the waterfront much more challenging for everyone.

While we probably cannot do anything about the damage that has already been done, I hope that the City of Bainbridge Island will see that extending these ugly features into our pristine, natural bay is a step too far.

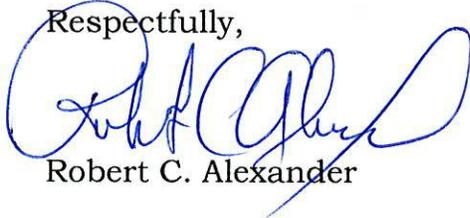
Beyond esthetics, I am also concerned that the length of the proposed dock (240 feet) will reach out into the entry of Little Manzanita Bay in such a way it could endanger boat, kayak and canoe traffic. In the late evening, it may be difficult to see the dock and it could be a risk to life and limb. The existing dock length is acceptable, but something 3 times the length of the existing dock and no doubt more substantial would be more like a jetty wall to the entrance of Little Manzanita Bay.

While I am not an expert on fish and sea-life in the Puget Sound, I don't believe allowing a dock to reach out into the entry of Little Manzanita Bay would be helpful to the natural runs of salmon and other fish that we see jumping in the clean and natural water in our bay.

We would all like to have our own private dock in front of our house, as long as others did not have one. If we start down the road outlined in this permit, Little Manzanita Bay will become over-whelmed by docks. Everyone need not have the ability to park their yachts in front of their house. That is why we have beautiful marinas on Bainbridge Island and Poulsbo. We implore you to draw the line at a reasonable point to protect Little Manzanita Bay. Please do not approve this permit.

Please share this letter with the city council and any other interested party.

Respectfully,



Robert C. Alexander



Kathleen Devon

NOTICE OF APPLICATION/SEPA COMMENT PERIOD

The City of Bainbridge Island has received the following land use application:

Date of Notice: August 19, 2016
Project Name & Number: Wysong/Ziembra Dock Replacement PLN50280SSDP
Project Type: Shoreline Substantial Development Permit
Applicant: Beth & Timothy Ziembra (6783) & Kimber & Jeffrey Wysong (6789)
Owner: Same as applicant
Project Site & Tax Parcel: 6789 NE BERGMAN RD (joint use dock, buoy), TA #09250220342002
6783 NE BERGMAN RD (dock to be removed) TA#09250220492005

Project Description: Remove existing 83' dock and replace with new joint use 240' dock, add two boat lifts, and one mooring buoy. Install an upland patio and walking path on each property.

Environmental Review: This proposal is subject to State Environmental Policy Act (SEPA) review as provided in *WAC 197-11-800*. The City, acting as lead agency expects to issue a Determination of Non-significance (DNS) threshold determination for this proposal. Utilizing the **optional DNS process** provided in *WAC 197-11-355*, the comment period specified in this notice may be the only opportunity to comment on the environmental impact of this proposal. The Proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposal may be obtained upon request.

Comment period: The City will not take a final action on the proposal nor make a threshold determination for 14 days from the date of this notice. Any person may comment on the proposal and/or the SPEA review. Additionally, any person may participate in a public hearing, if any, and my request a copy of any decision. **For consideration under SEPA environmental review, comments must be submitted by September 2, 2016.**

If you have any questions, contact:
Heather Wright, Senior Planner
Department of Planning & Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110
206-780-3754 or pcd@bainbridgewa.gov



From: [Chuck Flood](#)
To: [PCD](#)
Subject: RE: Wysong/Ziembra Dock Replacement PLN50280SSDP
Date: Tuesday, August 23, 2016 9:40:36 AM

Wysong/Ziembra Dock Replacement PLN50280SSDP

Consider these to be preliminary comments and objections to both the project and the process.

Let's start with your Notice. Why is the image of the project area so small? It's not possible for a person to determine the scope of the project. Was this the intent?

Specific details about the proposed dock are lacking. Would the new structure be in the exact same location as the existing dock? Would it have the same orientation? If not, what would the new location/orientation be?

Have you visited the project site? Do you not realize that a 240 foot long dock in the same location would effectively turn this small cove into the personal playground of the people who want to build it? As far as I know, these are navigable waters and full public access should be preserved - for instance to the small dock on the north side of the cove, to which deep-water access would almost certainly be restricted, is it no so?

You state that the city "expects to issue a Determination of Non-Significance." On what basis? What criteria are used in making that decision? Why is the "subsequent threshold determination for the proposal" not included with the notice? It's obvious that I'm requesting a copy, and it should be received well before closure of the comment period.

Is it not true that construction would disrupt the cove - stir up mud, impact shellfish and such? Your notice gives no idea of the size or nature of the boats that the proposed dock would use - wind or motor. But since the proposed dock would extend into deep water, the boats would undoubtedly be large, do you not agree? And that usage of the proposed dock would increase the chances of pollution from bilge water and leakage from gas tanks? Boat hoists are mentioned, though without any description; would their usage not increase the chances of a spill? If the boats are hoisted out of the water, where do they go from there - hauled away? How? Access roads built? Motor vehicles on the proposed dock to truck them off? Do they just hang there suspended?

Are you being negligent in your duty to protect the environment by not raising these issues, rather than unilaterally determining that there would be no significant effects?

About the process: the predetermination of non-significance indicates that this is a fait accompli; that the city has already made a decision, is merely going through the pro forma charade of soliciting comments because you're required to do so, and will then proceed with issuing the permit once the comment period is ended. Is this not so? How do you plan to respond to comments? Why should this proposal not be required to go through the full EIS process?

Chuck Flood
6850 NE Bergman Road