

Peter Best

From: Cheryl Coon <cherylcoon@gmail.com>
Sent: Sunday, March 15, 2020 2:31 PM
To: Peter Best
Subject: 3rd email with relevant attachments from 2016 variance application
Attachments: 50280 SSDP Hill E-mail 090216.pdf; 50280 SSDP Hill E-mail 082916.pdf; 50280 SSDP Harrington 090216.pdf; 50280 SSDP Hill E-mail 083016.pdf; 50280 SSDP Hill E-mail 083116.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

Robynn Harrington
6583 NE Maple Street
Bainbridge Island, Washington 98110
Home: 206-842-9360 Cell: 206-940-8282 Email: robynn@comcast.net

City of Bainbridge Island

SEP 02 2016

Planning and
Community Development

August 28, 2016

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

Re: Wysong-Ziemba Dock Replacement PLN 50280SSDP

Dear Ms. Wright,

I am a resident of the Olympic Terrace community, and I share an interest in our community beach on the south shore of Little Manzanita Bay. I have lived here for 28 years, raising my three sons in this pristine, tranquil, and unique setting. I am truly disturbed about the prospect of the enormous and negative impact the Wysong-Ziemba dock replacement would have on this community and am writing this letter to voice my fervent opposition to the plan.

This is not simply a proposal for a dock replacement; it is a massive triple extension of an existing structure that includes an industrial hoist for large boats. If approved, this "dock" would adversely change *everything* about Little Manzanita, including the traffic, the setting, the access, the marine life, the aesthetics, the usability, and the culture. And who would benefit? The two families that have proposed this plan.

A proposal such as this should be evaluated in terms of the interests of the entire community, not those of a select few, and this proposal threatens to harm both the environment and the culture of Little Manzanita for the majority of us, many of whom have lived here and loved this place for decades.

I understand that change is inevitable, but change should be considered in the context of the best interests of the community as a whole. In nearly three decades of my own history as a member of this community, we have supported two shore access points. We have established conservation zones and land trusts. We have opposed a water ski zone favored by people who enjoy anchoring in our waters on weekends. And now, we are opposing this massive dock that serves the individual interest of two families.

Please give us a chance to voice our opinions in a public hearing over this critical issue. As city planners, you are the voice of reason and fairness, and you hold the interests of the entire Little Manzanita community and environment in the balance. I appeal to you to reject this proposal. There are other places on Bainbridge where a structure and lifestyle like this would fit in, but if you allow Little Manzanita to become just like "everywhere else," it would truly be a paradise lost.

Respectfully submitted,


Robynn Harrington

Jane Rasely

From: hab <habvbi@sounddsl.com>
Sent: Monday, August 29, 2016 4:20 PM
To: PCD
Subject: Wysong/Ziembra PLN50280SSDP

To Heather Wright and BI Planning:

RE: Shoreline Substantial Development PLN50280SSDP

I trust the notice of SEPA comment is just a formality and this application will be denied under State and local statutes.

Under [WAC 173-27-150](#), "substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and the local master program."

The Wysong/Ziembra application is almost obscene in how it violates **section 6.3.7.6-2b** of the 2014 Bainbridge Island SMP (the docks within 500' of the Wysong/Ziembra dock are all shorter than the existing Wysong/Ziembra dock). This application is also inconsistent with at least these sections: **6.3.5-5, 6.3.4-2 and requires further study under 4.1.2.**

Talking with my neighbors, there is strong opposition to this application. Should this dock be built, it will cost the Little Manzanita neighborhood a great deal of money in lost property value due to view blockage and view degradation. Consequently, we are quite motivated to see the SMP properly followed.

I will provide a letter containing additional detail prior to September 2nd.

Sincerely,

Peter Hill
6682 NE Bayview

Ps. I do not understand why this application's supporting documentation is not available through the BI web site (even using a %).

Jane Rasely

From: hab <habvbi@sounddsl.com>
Sent: Friday, September 2, 2016 3:09 PM
To: Gary Christensen
Cc: Jane Rasely; Council; Doug Schulze; Morgan Smith; Josh Machen
Subject: RE: Wysong/Ziembra Dock Replacement PLN50280 SSDP

Thank you Mr. Christensen.

Am I reading this correctly that there will be another public notice and comment period for this application and that this application will not be approved until sometime after that next public comment period?

Pete

From: Gary Christensen [mailto:gchristensen@bainbridgewa.gov]
Sent: Friday, September 02, 2016 11:04 AM
To: habvbi@sounddsl.com
Cc: Jane Rasely; Council; Doug Schulze; Morgan Smith; Josh Machen
Subject: RE: Wysong/Ziembra Dock Replacement PLN50280 SSDP

Mr. Hill,

Your email was forwarded to me. It's not typical for me to comment on proposed projects.

That said, I have discussed your below identified proposed project issues and concerns with Planning and Community Development staff. I'm certainly aware that the proposed project has received a lot public scrutiny and interest. I want to reassure you that the Department is well aware of the project issues and is diligently and thoroughly conducting its review pursuant to Bainbridge Island Municipal Code (BIMC).

The project is vested. Application has been made and notice provided. Another public notice will be needed with an additional public comment period. In addition, the project may be revised.

Property owners have a due process right to submit a project application that meets the submittal requirements under BIMC. A submitted application should not necessarily be presumed to be approved. Applications can be approved, approved with conditions and/or modifications, or denied.

Sincerely,



Gary R. Christensen, AICP
Director, Planning and Community Development
facebook.com/citybainbridgeisland/
www.bainbridgewa.gov

From: Council
Sent: Thursday, September 1, 2016 3:24 PM
To: Doug Schulze <dschulze@bainbridgewa.gov>; Morgan Smith <msmith@bainbridgewa.gov>; Gary Christensen

<gchristensen@bainbridgewa.gov>; Josh Machen <jmachen@bainbridgewa.gov>

Cc: Jane Rasely <jrasely@bainbridgewa.gov>

Subject: FW: Wysong/Ziemba Dock Replacement PLN50280 SSDP

From: hab [<mailto:habvbi@sounddsl.com>]

Sent: Thursday, September 01, 2016 2:44 PM

To: Council <council@bainbridgewa.gov>

Subject: Wysong/Ziemba Dock Replacement PLN50280 SSDP

To: Bainbridge City Council

RE: Wysong/Ziemba Dock Replacement PLN50280 SSDP

<https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/0c3f0602-25de-49ff-abad-a63c0119e931?conv=1>

My name is Peter Hill. My wife Ann and I have lived on Little Manzanita Bay since 2002. Our community needs your help.

The BI Planning department is considering a permit application that would replace an existing 83' dock with a 240' dock to reach two proposed boat lifts to be built at the outward end of the dock. Each four pile boat lift would be capable of hoisting a 30' boat. This dock and mooring structures would extend outward from the old Lindberg property to the end of privately owned tideland and then out another 76' onto often dry public tidelands. At the proposed location, these boat lifts would need to tower above the sand roughly 20' to 25' in order to moor boats at high water. Please note that these boat lifts would be built entirely on PUBLIC tidelands. There are three docks adjacent to (within 500') the existing Wysong/Ziemba dock - they are all shorter, indeed the existing Wysong/Ziemba dock is already the largest dock on all of Little Manzanita.

I ask for your help because this application appears to be receiving "fast track" treatment. From my reading, the proposed dock and its two boat lifts are in clear violation of the letter and intent of many environment and public/community impact sections of the Bainbridge Shoreline Master Program and Washington State laws.

Here are two of many examples of code compliance problems I have found (more are listed in my public comment letter):

- BI SMP **Section 6.3.7.6-2b** says "the length shall not extend beyond the average length of adjacent docks, within five hundred feet (500') of the proposed location"
- Washington State law **RCW 79.105.430** says, along with other restrictions, public tideland can be used for private docks but "The dock cannot be used to moor boats for commercial or residential use." I am unable find an equivalent BI code so I believe this RCW applies.

To save this community pain and expense, I ask this council to take the following immediate actions:

1. Cause a delay of decision on this application until a proper investigation is complete;
2. Extend the public notification to a reasonable period;
3. Increase the scope of public notification to the entire Island as this proposal will impact all persons who use Little Manzanita via water or its two road end accesses.

The public comments for this application (available via above link) already cover a wide range of important related issues and I hope you will take the time to review them so that you will have a greater understanding of the potential impact of a commercial grade moorage facility placed in the middle of a beautiful, wildlife filled bay.

Thank you for your time.

Regards,

Peter Hill
6682 NE Bayview
780-5410

Jane Rasely

From: hab <habvbi@sounddsl.com>
Sent: Tuesday, August 30, 2016 3:40 PM
To: PCD
Cc: Heather Wright; Josh Machen
Subject: RE: Wysong/Ziemba PLN50280SSDP

Thank you Jane.

Now that I have reviewed the available documentation for this application I find I am even more concerned that this application has apparently made it through the BI Planning Departments initial review and that this application has not already been denied.

I have already identified this applications obvious violation of the "length" rule (section 6.3.7.6-2b "the length shall not extend beyond the average length of adjacent docks, within five hundred feet (500') of the proposed location".). However I do want to point out the mistake in the C3 Habitat report indicating that there is only one dock within 500' - there are three - not that section 6.3.7.6-2b identifies a minimum number of neighboring docks needed for this section to apply.

Here are some additional concerns/code consistency problems I have found:

Section 6.3.4-2

Section 2 of 6.3.4 "Regulations - Prohibited" states that "Overwater Structures at locations where critical physical limitations exist, such as shallow sloping tidelands with gradients of 3% or less;" Please note that section 6.3.4-2 does not say anything about the "average" gradient.

The Eelgrass survey conducted by Puget Sound Aquatic Survey for Wysong and included as documentation for this application shows that MLLW (zero tide) is reached at 120' out and the beach beyond 160' from the bulkhead flattens to a consistent -3' MLLW and continues at that -3' level to the outward end of the 300' survey area.

The three obvious conclusions are:

- 1) 60' to 80' of this proposed dock will extend over flat tidelands and thereby violate section 6.3.4-2;
- 2) at a -3' tide, 60' to 80' of this dock will be dry (Confirm by the C3 report);
- 3) at this location, there will be 3' or less of water depth at or below MLLW (120' out from the bulkhead). The Ziemba boat draws 3'4" with its outdrive down and 2'1" with outdrive up (per Bayliner for model 315).

Section 6.3.5-5 and Section 6.3.3-3a

The recurring theme within the BI SMP relates to ecology, views, aesthetics, impacts to the public and surrounding lands and importantly, minimizing size to achieve function.

Per the application documentation, this dock would extend 240' into Little Manzanita and consist of a 4'x 140' pier, a 3'x48' ramp and a 8'x60' float with two surrounding structures each consisting of four pilings and an electric boat lift.

The Ziemba boat is a Bayliner 315 or 335. The smaller of those is 31' 6" long, 10' 0" beam, 11' 6" height (keel to Canopy) and minimum draft of 2' 1" and an outdrive down draft of 3'4". That boat's dry weight is 9098 lbs.

In recent years we have experienced king tides where the high water mark was over 15' above MLLW. That means that the boat lifts will need to be 18' tall (as viewed at a -3' tide) just to break the surface at high water. Add to this whatever is needed for height above waves plus the lifts and whatever is needed for boat stability. That is a large structure by any measure and this application requests two. These boat lifts along with the 8'x60' float will start at 180' from the bulkhead and extend outward. That places this collection in the center of view for most of Little Manzanita bay.

The visual intrusiveness of this commercial grade dock and lift structures will negatively and substantially impact surround property values and will detract from public enjoyment of an otherwise open and wildlife filled bay.

The boat lift structures should invoke Section 6.3.5 "Regulations - General" section 5 says: "Structures on piers and docks shall be strictly limited in size to avoid impacting shoreline views."

This dock would extend over/onto public tidelands, so would invoke Section 6.3.3-3a "Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state."

Conclusion (for now)

This proposed dock violates multiple code sections and provides Wysong/Ziemba with very little beyond the utility provided by the existing length dock. Deny this application NOW!

Sincerely,

Peter Hill

From: PCD [mailto:pcd@bainbridgewa.gov]
Sent: Tuesday, August 30, 2016 9:07 AM
To: hab
Cc: Heather Wright; Josh Machen
Subject: RE: Wysong/Ziemba PLN50280SSDP

Mr. Hill,

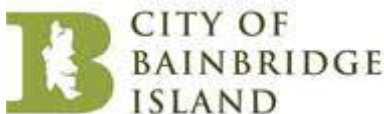
Thank you for your comments regarding the Wysong/Ziemba permit application. I have forwarded them to Ms. Wright and her Supervisor, Mr. Machen.

I believe you will find the supporting documentation in the permit application file here: <https://ci-bainbridgeisland-wa.smartgovcommunity.com/PermittingPublic/PermitDetailPublic/Index/0c3f0602-25de-49ff-abad-a63c0119e931?conv=1>.

When scrolling down the page, please click on the black rectangles to see attached documents. You may scroll further down the page and see more documents as well as public comment linked as well.

If you have any further questions, please do not hesitate to contact us.

Thank you,



Jane Rasely

Administrative Specialist

www.bainbridgewa.gov

facebook.com/citybainbridgeisland/

206.780.3758 (office) 206.780.5104

From: hab [<mailto:habvbi@sounddsl.com>]
Sent: Monday, August 29, 2016 4:20 PM
To: PCD <pcd@bainbridgewa.gov>
Subject: Wysong/Ziembra PLN50280SSDP

To Heather Wright and BI Planning:

RE: Shoreline Substantial Development PLN50280SSDP

I trust the notice of SEPA comment is just a formality and this application will be denied under State and local statutes.

Under [WAC 173-27-150](#), “substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and the local master program.”

The Wysong/Ziembra application is almost obscene in how it violates **section 6.3.7.6-2b** of the 2014 Bainbridge Island SMP (the docks within 500’ of the Wysong/Ziembra dock are all shorter than the existing Wysong/Ziembra dock). This application is also inconsistent with at least these sections: **6.3.5-5, 6.3.4-2 and requires further study under 4.1.2.**

Talking with my neighbors, there is strong opposition to this application. Should this dock be built, it will cost the Little Manzanita neighborhood a great deal of money in lost property value due to view blockage and view degradation. Consequently, we are quite motivated to see the SMP properly followed.

I will provide a letter containing additional detail prior to September 2nd.

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Jane Rasely

From: hab <habvbi@sounddsl.com>
Sent: Wednesday, August 31, 2016 7:15 AM
To: PCD
Cc: Heather Wright; Josh Machen
Subject: RE: Wysong/Ziembra PLN50280SSDP

I'm sorry, I forgot to include Section 4.2.4. I have inserted that code section into the text below where I talk about how this project would intrude upon public tidelands.

From: hab [mailto:habvbi@sounddsl.com]
Sent: Tuesday, August 30, 2016 3:40 PM
To: 'PCD'
Cc: 'Heather Wright'; 'Josh Machen'
Subject: RE: Wysong/Ziembra PLN50280SSDP

Thank you Jane.

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Section 4.2.4, 6.3.5-5 and Section 6.3.3-3a

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Per the application documentation, this dock would extend 240' into Little Manzanita and consist of a 4'x 140' pier, a 3'x48' ramp and a 8'x60' float with two surrounding structures each consisting of four pilings and an electric boat lift.

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The boat lift structures should invoke Section 6.3.5 "Regulations - General" section 5 says: "Structures on piers and docks shall be strictly limited in size to avoid impacting shoreline views."

This dock would [significantly](#) extend over/onto public tidelands [and waters](#), so would invoke Section 6.3.3-3a "Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state."

AND

4.2.4.1 Principles "The provisions of this section are intended to:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water."

Conclusion (for now)

This proposed dock violates multiple code sections and provides Wysong/Ziemba with very little beyond the utility provided by the existing length dock. Deny this application NOW!

Sincerely,

Peter Hill

From: PCD [<mailto:pcd@bainbridgewa.gov>]

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