

**City of Bainbridge Island**  
**SHORELINE MANAGEMENT MASTER PROGRAM**  
**November 26, 1996**  
**Corrected January 1998**

*Updated by Ordinance 2003-30 limiting dock and pier development within Blakely Harbor*

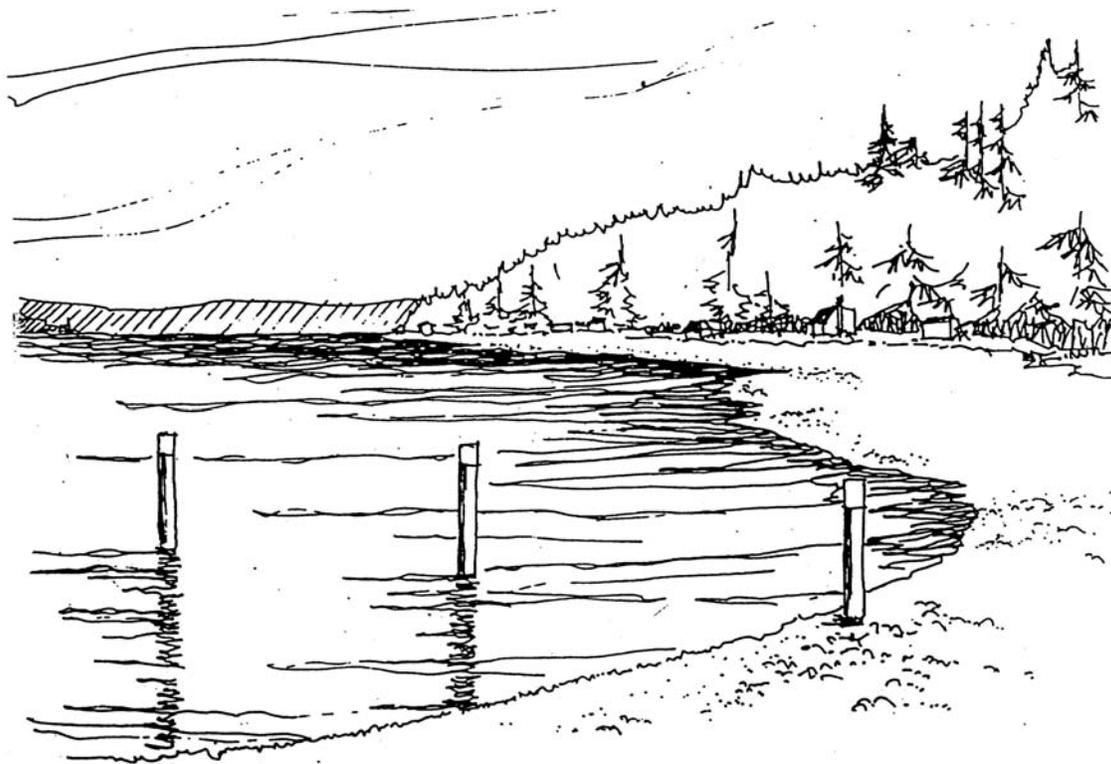
Ordinance 2003-30, limiting dock and pier development within Blakely Harbor, became effective February 13, 2004. As a result, there were a few changes to the City of Bainbridge Island Shoreline Management Master Program. Please remove and replace the pages as indicated below.

<b>Remove these pages</b>	<b>Insert these pages</b>	<b>Changes to pages</b>
Cover	Cover	Cover
17-18	17-18	17-“Community Dock”
105-108	105-108	106-F.Policies.9 107-F.Regulations-General.1

CITY OF BAINBRIDGE ISLAND

GRANT No. G9200008

# SHORELINE MANAGEMENT MASTER PROGRAM



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The views expressed herein are those of the City of Bainbridge Island and do not necessarily reflect the view of NOAA or any of its sub-agencies.

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Including Ordinances 2003-25, 2003-30

**Breakwater** - Offshore structure, usually aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

**Buffer** - A parcel or area of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland area from upland impacts and to provide habitat for wildlife. The "native vegetation zone" is a buffer protecting the ecology and resources of Puget Sound. A buffer may be used to protect any sensitive area.

**Building** - Any structure having a roof, designated for shelter of persons, animals or property.

**Bulkhead** - A solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action. Bulkheads may be built of posts and timbers, concrete, large rocks (riprap), or other materials. The normal purpose of a bulkhead is to protect land from erosion, not to create land. It is essentially a vertical structure (differentiated from a revetment, which slopes) that absorbs some of the wave energy.

**Channel** - An open conduit for water either naturally or artificially created, but not including artificially created irrigation, return flow, or stockwatering channels. [WAC 173-14-030(8b) or its successor]. See also Stream.

**City** - The City of Bainbridge Island.

**Clean Water Act** - The primary federal law providing water pollution prevention and control. This was previously known as the Federal Water Pollution Control Act. (See 33 USC 1251 et seq.)

**Clearing** - An activity associated with property modification or maintenance. Clearing means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil material.

**Coastline** - The line where terrestrial processes give way to marine processes - tidal currents, wind waves, etc.

**Community Structure** - A building, dock, or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

**Community or Joint-use Dock** - A structure or structures which consists of a system of piers, buoys, or floats that is intended for the common use of the residents of adjoining parcels or subdivision, short subdivision or community located on adjacent uplands. A community dock is not a commercial endeavor and is not for the purpose of serving the public. If a community or joint-use dock accommodates six (6) or more vessels, it is no longer a community or joint-use dock and shall be considered a marina.

**Conditional Use** - A use or the expansion of a use permitted on shorelines which, because of certain characteristics, requires a special degree of control to make it consistent with the intent and provisions of the Act and these regulations, and compatible with other uses permitted on shorelines.

**Conditional Use Permit** - Local governments are authorized under the Shoreline Management Act to include provisions for authorizing land uses and developments that may be permitted by Conditional Use permits (CUP). The purpose of the Conditional Use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program.

**Construction Limit Line** - In Eagle Harbor, defined on U.S. Army, Corps of Engineers Drawing, File No. E-8-5-6, dated December 22, 1939, approved by the Secretary of War, July 2, 1940. Used in the Master Program for local regulatory purposes.

**Council** - Legislative body of the City of Bainbridge Island.

**Covered Moorage** - Boat moorage, with or without walls, that has a roof to protect a vessel or vessels.

**Day** - Means a calendar day beginning at midnight and ending on the following midnight. When counting the number of days for notices required by the Master Program, the day a notice is mailed, posted, or published is not counted, but the day of any hearing is counted. The day of the hearing shall be counted as an entire day, even though the hearing takes place before midnight and an entire twenty-four hour period has not passed. When counting the number of days or years for other time limits established by this title, the day a decision is made is not counted in computing the time limit.

**Degrade** - To scale down in desirability or salability, to impair in respect to some physical property, or to reduce in structure or function.

**Department** - The city's Department of Planning and Community Development.

**Development** - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; pile driving; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state, subject to Chapter 90.58 RCW or its successor, at any state of water level [RCW 90.58.030(3d) or its successor].

**Director** - The director of the department.

**Dock** - A floating platform which abuts the shoreline, extending waterward from ordinary high water, or from the bottom of a ramp extending from a pier, generally used as a landing or moorage place for commercial and/or pleasure craft.

**Dredge Spoil** - The material removed by dredging. Same as dredge material.

**Dredged Material Disposal** - Depositing of dredged materials on land or into water bodies. The purpose may be to create additional lands, to dispose of the by-products of dredging, or to enhance or remedy an environmental condition.

**Dredging** - Removal or displacement of earth or sediments such as gravel, sand, mud or silt, and/or other materials or debris from any stream, river, lake or marine water body, and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining navigation channels, turning basins, harbors and marinas; installing submarine pipelines or cable crossing; or repairing and maintaining dikes or drainage systems. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for shellfish harvesting or cleanup of polluted sediments.

**Drift Sector** - A particular reach of marine shore in which littoral drift may occur without significant interruption, and which contains any and all natural sources of such drift as well as any shoreform(s) accreted by such drift. Each normal drift sector contains these shore process elements: feeder bluff or estuary, driftway, littoral drift, and accretion shoreform.

**Drift Sills** - Small groins which hold sediments in place without blocking longshore drift.

**Driftway** - That portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

**Dune** - A hill or ridge of sand piled up by the wind and/or wave action.

**Ecology (Washington State Department of Ecology)** - Use of "Ecology" or "Washington State Department of Ecology" is preferred over "DOE" to avoid confusing the Washington State Department of Ecology with the federal Department of Energy.

## Regulations - General

1. Landfill shall be permitted as a conditional use in the Rural, Semi-rural, and Urban environments.
2. Landfill shall be permitted as a conditional use in the Conservancy and Natural environments only for the restoration, enhancement, or maintenance of natural resources.
3. In the aquatic environment, landfill over water may be permitted as a conditional use for water-dependent or public uses, or as part of a permitted environmental enhancement or remediation project.
4. Land fill shall be prohibited in the Aquatic Conservancy environments.
5. Applications for landfill permits shall include the following:
  - a. Proposed use of the landfill area;
  - b. Source of the landfill material and physical, chemical, and biological characteristics of the fill material as required by the Director;
  - c. Method of placement and compaction;
  - d. Location of landfill relative to natural and/or existing drainage patterns;
  - e. Location of the landfill perimeter relative to the OHWM;
  - f. Perimeter erosion control or stabilization means; and
  - g. Type of surfacing and runoff control devices.
7. Pile or pier supports shall be utilized whenever feasible in preference to landfills. Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.
8. Landfill shall be permitted only where it is demonstrated that the proposed action will not:
  - a. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; or
  - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.
9. Landfills shall be the minimum necessary to provide for the proposed use and shall be permitted only when tied to a proposal that is permitted by the Master Program. Speculative landfill activity is prohibited.

## Regulations - Design and Construction

1. Where landfills are permitted, the landfill shall be the minimum necessary to accommodate the proposed use.
2. Where landfills reduce public access, compensatory public access shall be provided as part of the development project.
3. Landfills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted land fill projects shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms, and appropriately sloped to prevent erosion and sedimentation both during initial landfill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the landfill.
4. Fill materials shall be sand, gravel, soil, rock, or similar material. Use of contaminated dredge material is prohibited. (See Section V, Subsection H, Industry and Section III.)
5. The timing of landfill construction shall be regulated to minimize damage to water

quality and aquatic life within the time restraints recommended by the Washington State Department of Fish and Wildlife.

## **F. Piers, Docks, Recreational Floats, and Mooring Buoys**

### Applicability

Uses which may employ a pier or dock (for example, industry) are subject to the provisions herein as well as to the provisions contained in Section V, Specific Shoreline Use Policies and Regulations. Community or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section V, Subsection D, Boating Facilities.

Pursuant to RCW 90.58.030(3-e-vii) or its successor and WAC 173-14-040(h), or its successor certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act [RCW 90.58.140(1) or its successor] and this program.

Exempt activities are subject to the provisions of the Master Program.

### Policies

1. Multiple use and expansion of existing conforming piers, docks, and floats should be encouraged over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new, single-use piers, docks, and floats.
2. The use of mooring buoys should be encouraged in preference to either piers or docks.
3. Piers, docks, and floats should be designed to cause minimum interference with navigable waters, the public's use of the shoreline, and views from adjoining properties.
4. Piers, floats, and docks should be sited and designed to minimize possible adverse environmental impacts, including potential impacts on littoral drift, sand movement, water circulation and quality, and fish and wildlife habitat.
5. Proponents of commercial pier, float, and dock projects are encouraged to provide for public docking, launching, and recreational access.
6. Local programs and coordinated efforts among private and/or public agencies should be initiated to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.
7. Use of natural, nonreflective materials in pier and dock construction should be encouraged. When plastics and other nonbiodegradable materials are used, precautions should be taken to ensure their containment.
8. The proposed size of the structure and intensity of use or uses of any dock, pier, and/or float should be compatible with the surrounding environment and land and water uses.
9. The development of new docks and piers shall be prohibited within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Pt" or "Jasmine Pt"), except that:
  - a) A total of two community docks should be allowed with no more than one along each the north and south shores, respectively, provided that all residents along each shore shall have a non-extinguishable option to access the community dock located along their respective shore; and
  - b) One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.

## Regulations - General

1. Piers and docks shall be a permitted use in the Rural, Semi-rural, Urban and Aquatic environments, shall be a conditional use in the Conservancy environment, and shall be prohibited in the Natural and Aquatic Conservancy environments. The development of new docks and piers shall also be prohibited within all shoreline designations within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Pt" or "Jasmine Pt"), except that:
  - a) A total of two community docks shall be a conditional use within the Urban, Semi-rural, Rural, and Aquatic environment with no more than one along each the north and south shores, respectively, provided that all residents along each shore shall have a non-extinguishable option to access the community dock located along their respective shore;
  - b) One public dock and/or pier for the mooring of dinghies and loading or unloading of vessels shall be a conditional use within the Urban, Semi-rural, Rural, and Aquatic environment for daytime use; and
  - c) Such community and public docks shall comply with this master program and other applicable laws; shall be the minimum size necessary; and shall be sighted and designed to mitigate adverse impacts to navigation, views, scenic character, and natural resources as much as possible. Such community and public docks shall also be reasonably passable to swimmers, beach walkers, and human-powered water craft.
2. Proposals for piers or docks shall include, at a minimum, the following information:
  - a. Description of the proposed structure, including its location, dimensions, materials, design, and any shoreline stabilization or other modification required by the project;
  - b. Ownership of uplands, tidelands, and shorelands within three hundred (300) feet of the property boundaries;
  - c. Proposed location of piers, floats, or docks relative to property lines, OHWM, the line of navigation, the construction limit line, and the contour of the extreme low tide, as applicable;
  - d. Location, width, height, and length of piers or docks on adjacent properties; and
  - e. Agreements, if any, for cooperative use.
3. In areas identified by the City, the Washington State Department of Fish and Wildlife, or the Department of Natural Resources as having a high environmental value for shellfish, fish life, or wildlife, piers and docks shall be prohibited, except:
  - a. Where functionally necessary to the propagation, harvesting, testing, or experimentation of said marine fisheries or wildlife, or
  - b. Unless approved as a conditional use if it can be demonstrated that the dock or pier will not be detrimental to the natural habitat or species of concern.
4. Piers, floats, buoys, and docks shall not interfere with use of navigable waters.
5. Piers and docks may be limited in length or prohibited, where necessary, to protect navigation, public use, or habitat values.

## Regulations - General Design and Construction Standards

1. Pilings must be structurally sound prior to placement in the water. The minimum number of pilings shall be used, favoring large spans on fewer pilings over smaller spans on more pilings.
2. Piles, floats, or other members in direct contact with water shall not be treated or coated with biocides such as paint or pentachlorophenol. Use of arsenate compounds or creosote-treated members is discouraged. In saltwater areas characterized by significant shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, used pilings, precast concrete, or other nontoxic alternatives shall be used.

- In all cases where toxic-treated products are allowed, products, methods of treatment, and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information. Used, creosote pilings are preferable to new ones.
3. No over-water field applications of paint, preservative treatment, or other chemical compounds shall be permitted, except in accordance with best management practices set forth in the marina section of the Master Program.
  4. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.
  5. All docks shall include stops which serve to keep the floats off the bottom of tidelands at low tide.
  6. If a bulkhead-like base is proposed for a fixed pier or dock where there is net-positive littoral drift (accretion beach), the base shall be built landward of the ordinary high water mark or protective berms.
  7. When plastics or other nonbiodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
  8. Overhead wiring or plumbing is not permitted on piers or docks.
  9. New boat houses and new covered moorage shall not be permitted on piers or docks. Other structures on piers and docks shall be strictly limited in size and height to avoid impacting shoreline views.
  10. A pier or dock shall not extend offshore farther than the most shoreward of the following:
    - a. The average length of the piers on the two adjoining properties;
    - b. In Eagle Harbor, the Construction Limit Line; or
    - c. Elsewhere, the distance necessary to obtain a depth of four (4) feet of water as measured at extreme low tide at the landward limit of the moorage slip.
  11. Piers and docks shall require a building permit and shall meet standards set by the building official.
  12. Lighting shall be the minimum necessary, or as required by the Coast Guard, to locate the dock at night, and should minimize glare.

#### Regulations - Joint-use Community Piers and Docks

1. Any hotel, motel, and/or multifamily residential development proposing to provide moorage facilities shall be required to construct a single, joint-use moorage facility. The City may authorize more than one joint-use moorage facility if a single facility would be inappropriate or undesirable, given the specific conditions of the site.
2. Proposals for joint-use community piers and docks shall demonstrate, by proof of recording of a covenant binding current and future parties, that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties. The proposed covenant shall be filed as part of the permit application and recorded after final approval.

#### Regulations - Commercial/Industrial Facilities

These standards apply to piers and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas. (See also Section V, Specific Shoreline Use Policies and Regulations for boating facilities, commercial development, and industry.)

1. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until the access needs of adjacent commercial and/or industrial enterprises have been determined.
2. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.
3. Bulk storage for gasoline, oil and other petroleum products for any use or purpose is prohibited on piers and docks. Bulk storage means nonportable storage in fixed tanks.
4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.