

## Amendments to 2013 Draft SMP

### SSB 5451 Conforming

#### Comment

People who followed the rules and legally built their home and their lives around the shoreline should not now be punished or made into second class citizens.

SSB 5451 clearly stated the “Classifying existing structures as legally conforming will not create a risk of degrading shoreline natural resources.”

#### Add

Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and

Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

### Honesty, Enforceability and Readability

#### Comment

Honesty and Clarity are important aspects of law. If something is permitted in one section, that section must also include, directly or by reference, any and all limitations to the permitted use. That is only fair. Drafting that does not directly link all relevant section for action is not property written. **There is no section like this is the CAO**

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4.0.1 Regulations - General

7. Where provisions of this Master Program or other provision in BIMC conflict, the more restrictive provisions shall apply unless specifically stated otherwise.

**Delete:** 4.0.1 7.

## Water –dependent Uses

**Comment:** The entire purpose of living on the shoreline is to enjoy water-dependent uses. Stairs, docks, marine railways, swim floats and buoys. The Shoreline Management Act, GMA and DOE Guidelines all call for giving *preference* and *encouraging* water dependent uses, but the draft SMP designates or placed prohibitive restrictions on the **entire outside of the Island**, Fletcher Bay, Point Monroe Lagoon, the head of Eagle Harbor and Port Madison as not suitable normal water-dependent uses and banning docks. To do otherwise would violate the SMP's Master Goal page 15

### 1.5 Master Goal

..... It is the intent of this program to manage the shorelines of Bainbridge Island consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, **giving preference to water-dependent and water-related uses, and to encourage all reasonable and appropriate development and other activities** to occur in a manner which will promote and enhance the public interest and protect environmental resources.

**Delete:** All sections and references to Shoreline Residential Conservancy and designation these Shoreline Residential.

**Delete: 3.2.3 Shoreline Residential Conservancy**

**Add:** Designate **Shoreline Residential** all shorelines previously designed at Rural and Semirural

**Delete: Priority Aquatic B** and designation these shorelines as Aquatic.

## Docks

**Comment:** Docks, marine railways and floats are the most import way we access the water of the state and are critical for water-dependent uses. Narrow residential docks do not any environmental harm and actually act as reefs that attract and promote health pant and fish communities.

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**Delete: 6.3.3.1 b.** Prohibited at locations where physical limitations exist, such as shallow, sloping tidelands bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or landslide-prone areas and/or feeder bluffs.

**Add:** Docks shall be permitted where engineering solutions can overcome the physical limitations.

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4.1.5.8.3 c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks **except at the toe of unstabilized feeder bluffs.**

**Delete:** “except at the toe of unstabilized feeder bluffs.”

**Add:** “where engineering solutions can overcome the physical limitations.”

**Add:** Docks shall be allowed where the proposed the proposed dock meets the standards and requirements of the Department of Fish and Wildlife, Department of Natural Resources, Department of Ecology and Army Corps of Engineers, as well as requirements of Suquamish Tribe. Docks and floats shall be limited to the minimum necessary for the purpose.

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**Delete:** 6.3.7.3.1.

- a. For a single-use structure, the float width must not exceed eight (8) feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float.
- b. For a joint-use structure, the float width must not exceed eight (8) feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float.
- c. To the maximum extent practicable, floats must be installed with the length in the north-south direction.

**Add:** new 6.3.7.3.1.

- a. For a single-use structure shall be the minimum necessary for the purpose.
- b. For a joint-use structure shall be the minimum necessary for the purpose.
- c. Arrange the location and direct of the float to best accommodate the wind, wave, current and beach conditions.

## **Buoys**

**Comment:** the 1996 SMP allowed one buoy per lot. Proper buoy design and installation can both protect shell fish beds and allow access to sailing, fishing and boating. There is no reason to prohibit property owners with less than 100 foot lot from having a buoy. There are huge numbers of 50 foot lots.

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**Delete:** 6.3.7.8.1. In order to protect shellfish beds, new moorings buoys shall not be permitted where density will exceed **one buoy per 100 linear feet.**

**Add: new** 6.3.7.8.1. Owners of waterfront property are permitted to install one (1) mooring buoy. The design and placement of the buoy shall be done in a manner to protect shell fish beds and the use of adjacent buoys, floats and docks.

## **Stairs**

**Comment:** Property owners have a right to access their beach, which they also own. Putting arbitrary limits on the size of stairs does not take into account the unique configuration of each property or the importance of providing this important aspect of water-dependent use. All three stairs on Olympus Beach including the one at the city owned road end exceed the 250 foot limit and could not be built under this limit. There is also no reason to force property owners to go through a long and expensive variance process just to assure the city that the stairs are the minimum necessary for the purpose.

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### 4.1.3.8.3

e. All structures must meet the following standards:

iii. Stairways shall not exceed 250 square feet and are not included in the total square footage allocations prescribed in subsections a through c above. Stairways shall conform to the standards of the International Residential Building Code as adopted in BIMC Chapter 15.04. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance.

**Delete:** “not exceed 250”

**Replace with:** be the minimum necessary for the purpose

**Delete:** “Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance.”

**Comment:** Many of us do not have bulkheads and new bulkheads are not permitted and many of us live on bluffers and need stairs to get to the water. There is no reason to prohibit stairs, decks and boat houses where there is no bulkhead. If the owner can find a way of engineering his desired use and is willing to that the risk that structure will have a limited life, the city should not prohibit these water-dependent uses.

4.1.5.8.3.

c. Minor development permitted in the Shoreline Buffer and Site-specific Vegetation Management Area pursuant to Sections 4.1.3.8 through 4.1.3.11 such as boathouses, decks, stairs, trams, piers, and docks **except at the toe of unstabilized feeder bluffs.**

**Delete** 4.1.5.8.3. “except at the toe of unstabilized feeder bluffs”.

#### **View Protection**

**Comment:** Views are very important and planting trees along the shoreline will adversely affect the view of the property owner by also the views from the neighboring properties both to the side and behind the shoreline. The requirement to plant trees is an attempt to force restoration property and does not contain the necessary nexus to

Staff has said before the Council that “canopy” and “multistoried plant community” does not mean trees. Councilmember Blair believes the SMP allows property owner to select the type of native vegetation they plant, but Mitigation Manual requires trees be planted every 20 feet. The Council should clear up this confusion, recognize the importance of protecting views.

**Delete:** All references to “65% canopy cover”, “multi-storied” and “trees”

**Add:** property owners may select from a list of approved native species the number and type of plants to be used in their restored vegetation zones.