



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Memorandum

DATE: April 9, 2018
TO: Gary R. Christensen, AICP, Director of Planning & Community Development
FROM: Annie Hillier, Planner
SUBJECT: Administrative Code Interpretation

Pursuant to BIMC 2.16.165.B.2.c, the duties and responsibilities of the administrator include making administrative decisions and interpretations of the policies and regulations of this program [the local Shoreline Master Program] and the Shoreline Management Act. Pursuant to BIMC 16.12.030, the policies listed in the master program shall provide broad guidance and direction and shall be used by the director in interpreting the regulations. An Administrative Code Interpretation of the City of Bainbridge Island Shoreline Master Program (SMP) is provided for the following:

SUBJECT: This interpretation applies to joint-use stairways for shoreline access, proposed within shoreline and zoning setbacks. The SMP Table 4-2 Dimensional Standards provides that residential stairways are subject to the 30% side setback and zoning requirements. Consequently, a proposal for a joint-use stairway located on or within close proximity to a shared lot line would require a shoreline variance, to locate the stairway within the 30% side yard setback, and a zoning variance, to locate the stairway within the zoning side yard setback.

ANALYSIS: The SMP provides specific regulations for other joint-use structures, with respect to side lot lines. Specifically, SMP Section 6.3.7.6.3.a states, "docks, piers and floats shall be set back a minimum of 10 feet from side property lines, except that community piers, docks, and floats may be located adjacent to or upon a side property line when mutually agreed to by covenant with the owners of the adjacent property. A copy of the covenant must be recorded with the county auditor and filed with the application of the permit." Joint-use overwater structures are preferred over single-use structures – and are therefore given relief from setback requirements.

Unlike for docks, the SMP does not give relief from the setback requirements for joint-use stairways. However, the following goals and policies support allowing joint use stairways for shoreline access within setbacks:

1. SMP Section 4.1.2.2, Goal: Minimize impacts of shoreline development, uses and activities on the environment during all phases of development (e.g. design, construction, and management).
 - a. A single, joint-use stairway represents less disturbance during construction and over time, as a result of use and maintenance, to the shoreline environment than two, individual stairways.

2. SMP Section 5.9.3, Policies, #4: Restrict the development of side yards in order to preserve vegetation between developments, mitigate the effect of a “wall” of structures along the shoreline, and enhance public and private view potential.
 - a. A “wall” of structures along the shoreline is understood as structures located close together or attached, across lot lines or within setbacks, and approximately parallel to the shoreline. Stairways for shoreline access are generally constructed on a slope, leading down to the beach. Joint-use stairways located on or within close proximity to a shared lot line would not contribute to a perceived “wall” of structures, provided they serve to access the shoreline and not adjoining development.
 - b. All development within shoreline jurisdiction is required to protect existing vegetation to the fullest extent possible, to mitigate impacts to existing vegetation, and to meet the standard of no net loss of ecological functions and processes (SMP Section 4.1.3.5, Regulations - General). Provided the proposal demonstrates compliance these requirements, vegetation within side yards would be preserved to the fullest extent practicable.
 - c. Stairways generally follow the contour of the slope and are not designed to screen views or to achieve a certain height other than that necessary for safety. Stairways that incorporate features such as neutral colors, open landings, low post heights, and that are built close to grade are unlikely to impact public or private views.

FINDING: Joint-use stairways for shoreline access, proposed on or within close proximity to a shared lot line, are consistent with the environmental goals and policies of the SMP and the purpose of shoreline side yards. A shoreline variance shall not be required for such structures, provided the structure is compliant with other applicable dimensional standards, including those listed below.

Further, the permitted setback encroachments set forth in BIMC 18.12.040 may be modified by applicable provisions of the SMP. As described herein, Table 18.12.040: Permitted Setback/Height Modifications, is modified to allow joint-use stairways for shoreline access within zoning setbacks without a variance.

The following SMP regulations are relevant to the application of this interpretation for joint-use stairways and will be applied to future proposals:

1. SMP Section 4.1.3.7.3: Stairways to the shoreline shall not exceed 300 square feet for private use. Larger stairways serving a single-family residence may only be allowed through approval of a shoreline variance.
 - a. Response: For joint-use stairways, a maximum of 300 square feet shall be allowed on each lot. More than 300 square feet on an individual lot may only be allowed through approval of a shoreline variance.
2. The Single-Family Residence Shoreline Mitigation Manual may be used for stairs that are up to 300 square feet in size.



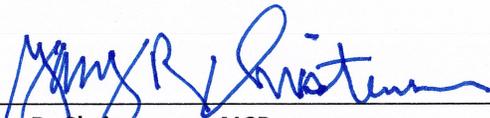
- a. Response: A joint-use stairway that exceeds 300 square feet on either lot is required to submit a Site-Specific Impact Analysis in compliance with the requirements of SMP Section 4.1.2; otherwise the Single-Family Residential Mitigation Manual is appropriate.

The City may also consider applying this interpretation to joint-use trams for shoreline access, proposed on or within close proximity to a shared lot line.

CODE CHANGES: The following sections of the SMP will be amended to reflect this interpretation:

1. Table 4-2 Dimensional Standards Table, to include a footnote that specifies that residential joint-use stairways are allowed within 30% shoreline and zoning setbacks.
2. SMP Section 4.1.3.7.3, to include the maximum square footage allowed on each lot (300 square feet) for joint-use structures.
3. SMP Section 5.9.5.8, to include an allowance for joint-use stairways within side setbacks, provided a covenant, similar to that required for joint-use or community docks, is recorded.

APPEAL: Any decision of the director may be appealed to the hearing examiner in accordance with the procedures of BIMC 2.16.020.R.



Gary R. Christensen, AICP
Director of Planning & Community Development

4/11/19

Date