

Introduction

This Shoreline Master Program (SMP) establishes policies and regulations for the shorelines of Bainbridge Island.

The regulations in the Shoreline Master Program state specific legal requirements which future development along the Bainbridge Island shoreline must follow.

The policies in the Shoreline Master Program state the underlying objectives the regulations are intended to accomplish. The policies should, accordingly, guide the interpretation and enforcement of the Shoreline Master Program's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

The Shoreline Master Program is intended to implement the Shoreline Management Act by planning for and guiding the orderly development of the shoreline, protecting shoreline resources and helping to assure public access to the shoreline. The SMP helps both property owners and City and State staff in the permitting process. It also educates the community in the use and protection of its shorelines.

This introduction describes why and how the Shoreline Master Program was written and provides a user's guide (Table 1-1) to direct the reader to sections of specific interest.

Purpose of the Shoreline Management Act

In 1969 the Washington State Supreme Court decided in the case of Wilbour vs. Gallagher (77 Wn 2d 302), commonly known as the Lake Chelan Case, that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of these decisions were significant in that developers, environmentalists, and other interested parties began to recognize, though probably for different reasons, the need for a Comprehensive Planning and regulatory program for shorelines.

In June 1971, the State Legislature approved just such a regulatory program when it adopted the Shoreline Management Act of 1971 (SMA or Act). The Act carried with it provisions for a vote by the people and in November 1972 the issue was put to Washington voters, who ratified the legislature's Shoreline Management Act by an approximate 2 to 1 margin. The Act's paramount objectives are to protect and restore the valuable natural resources that shorelines represent, and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or which offer the opportunities for the public to enjoy the State's shorelines. With this

clear mandate, the Shoreline Management Act established a planning and regulatory program, initiated at the local level under State guidance.

Shoreline Management Act Administration

Administration of the Shoreline Management Act is a cooperative effort balancing local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via Shoreline Master Programs) and regulate (via permits) shoreline development. Local government actions are monitored by the Washington State Department of Ecology (Ecology), which approves new or amended Shoreline Master Programs, reviews substantial development permits, and approves Conditional Use permits and Variances. The master program is essentially a shoreline Comprehensive Plan with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances. Collectively, the local master programs comprise the State Shoreline Master Program. Under the law, each city and county in Washington state is responsible for the following:

1. Administration of a shoreline permit system for proposed substantial development within two hundred (200) feet of the ordinary high water mark (OHWM) of designated water bodies.
2. Development of an inventory of natural characteristics and land use patterns along those designated water bodies.
3. Preparation of a Shoreline Master Program to manage the uses and activities on local shorelines.

Scope of Shoreline Management Act

The Shoreline Management Act covers all shorelines of the state, including shorelines and "shorelines of state-wide significance." Figure 1-1 illustrates shoreline jurisdiction on coastal shorelines.

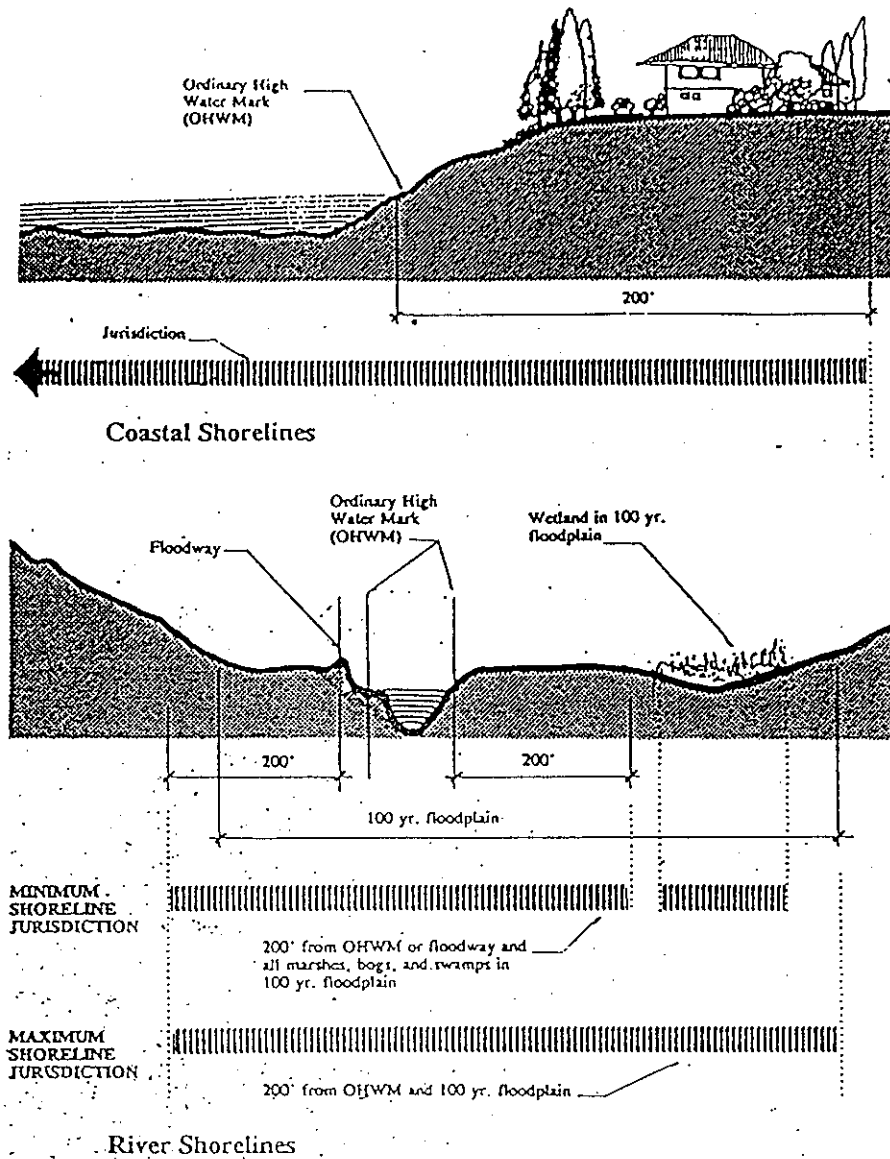


Figure 1-1 Shoreline Jurisdiction

Provisions of the Act apply to the following, geographical, shoreline areas:

1. All marine waters of the state, together with the lands underlying them;
2. Streams and rivers with a mean annual flow of 20 cubic feet per second (cfs) or more;
3. Lakes and reservoirs larger than 20 acres in area;
4. Wetlands (a specific Shoreline Management Act term which includes related upland, shoreland, and wetland areas) associated with all of the above; and
5. Shorelines of state-wide significance as defined in RCW 90.58.030 or its successor. This includes those areas of Puget Sound lying seaward from the line of extreme low tide.

Local Shoreline Master Programs

The Shoreline Management Act sets up a process for managing development of the State's shorelines through state monitored, locally administered, permitting programs. Local governments are required to prepare a detailed shoreline inventory and a Shoreline Master Program to protect shoreline resources, manage shoreline development, and assure continued public use of waters of the State. Based upon the inventory of local shorelines, a system for categorizing various segments is established through application of shoreline environment designations. The Act specifies that master programs include policy statements (i.e., the required elements) that take into account economic development, public access, circulation and transportation, recreation, shoreline use, conservation, and historical and cultural aspects of the shoreline area [RCW 90.58.100 (2) or its successor]. From these policy statements, regulations are developed which establish appropriate permitted uses within each shoreline environment.

Prior to annexation in March 1991, Bainbridge Island's shorelines were managed under the Kitsap County Shoreline Master Program and the City of Winslow Shoreline Master Program. Following annexation, the City was responsible for developing a new Master Program to manage the island's shoreline resources.

The goals and policies in the Shoreline Master Program are considered an element of the City's Comprehensive Plan. All other portions of the SMP, including the use regulations, are considered a part of the City's development regulations.

The Shoreline Master Program regulations are to be used as an overlay to other City policies and regulations for properties within shoreline jurisdiction. Therefore, when looking for direction for a proposal within shoreline jurisdiction, we would look to all relevant sections of the City's Comprehensive Plan including the policies in the Shoreline Master Program. Since the policies in the Shoreline Master Program are more specific, especially in how they relate to the shoreline, they would provide more guidance than the general policies. When reviewing a specific development application within shoreline jurisdiction we would first consider the requirements of the underlying zoning district and then the special requirements of the shoreline designation. In all cases, the more restrictive regulations would apply.

Public Participation

Public participation activities during the development of the Shoreline Master Program included bi-monthly Shoreline Work Group meetings (open to the public); public meetings which were held on September 24, 1991 and April 13, 1993; and four special topic meetings. Meetings were announced in letters, flyers, and in the newspapers. In addition, two issues of City News with articles about the Shoreline Work Group's progress and process were sent to all Bainbridge Island residents. More than 200 residents attended the two public comment meetings, and more than

100 letters have been received. About 45 citizen volunteers participated in the shoreline survey conducted by Scott Kathey which took place over the low tide weekend of May 16 and 17, 1992. The volunteers each surveyed about a mile of shoreline, noting bulkheads and other manmade structures, vegetation, geology, and wildlife. The draft Shoreline Master Program was presented to the Planning Commission by the Shoreline Work Group on June 24, 1993. The Planning Commission held a public hearing on the draft Shoreline Master Program on September 9, 1993. A Determination of Nonsignificance on the Shoreline Management Master Program was issued on December 9, 1993. The Planning Commission allowed comments from the public during the meetings in which the draft was reviewed. Comments from State agencies were also considered. The Planning Commission completed its substantive review on September 8, 1994.

Bainbridge Island's Shorelines

Bainbridge Island has 45 miles of waterfront. (See Figure 1-2 Map of Bainbridge Island.) It has seven harbors or bays, each having a long and interesting history and a wide variety of uses. Eagle Harbor has the most activity, including a ferry landing, shipyard repair, a boatyard, numerous marinas and restaurants, a waterfront park, a Superfund site, condominiums, detached homes, and live-aboards. Most of the waterfront on Bainbridge shorelines has been developed as single family residences, from small summer cabins to large mansions. Their locations range from below ordinary high water to cliffs nearly 200 feet above the water. At the north end of the island is a large sandspit called Point Monroe, while at the south end is Restoration Point, composed of raised bedrock located on the Seattle fault.

Bainbridge Island's shorelines exhibit many uses and geologic characteristics. The shoreline is home for about a quarter of the island residents, as well as numerous species of fish and wildlife. Bald eagles, herons, seals, otters, and numerous waterfowl depend on the shoreline. There are also salmon streams and bays necessary for fish, shellfish, clams, and vegetation to survive. At the south end of the island is an aquaculture farm for salmon. In short, Bainbridge Island shorelines support a wide variety of life.

Located on the eastern border of Kitsap County, Bainbridge Island is connected to the rest of Kitsap County by one bridge, and to Seattle (King County) by a 35-minute ferry ride. Because of its proximity to Seattle, the island has close cultural and economic ties to Seattle.

Over 18,000 people currently live on Bainbridge Island. The population increased from 15,846 in 1990 to 18,580 in 1996 - approximately a 17% increase. The Island grows by approximately 300-500 people each year. This increased growth, reflected in higher waterfront land values and taxes, along with a growing concern for the environment, motivated citizen participation in the development of the Shoreline Master Program for Bainbridge Island. This process, in turn, has helped citizens to once again realize that an island is a unique habitat in terms of both its environment and the community that lives within it. The constraints of such a situation lead to the

delicate balance between imposing regulatory powers for the benefit of all - especially neighbors - and the rights of the individual property holder. Fortunately, the Shoreline Management Act and the public trust doctrine provide the guidance to create a program which recognizes both these values.

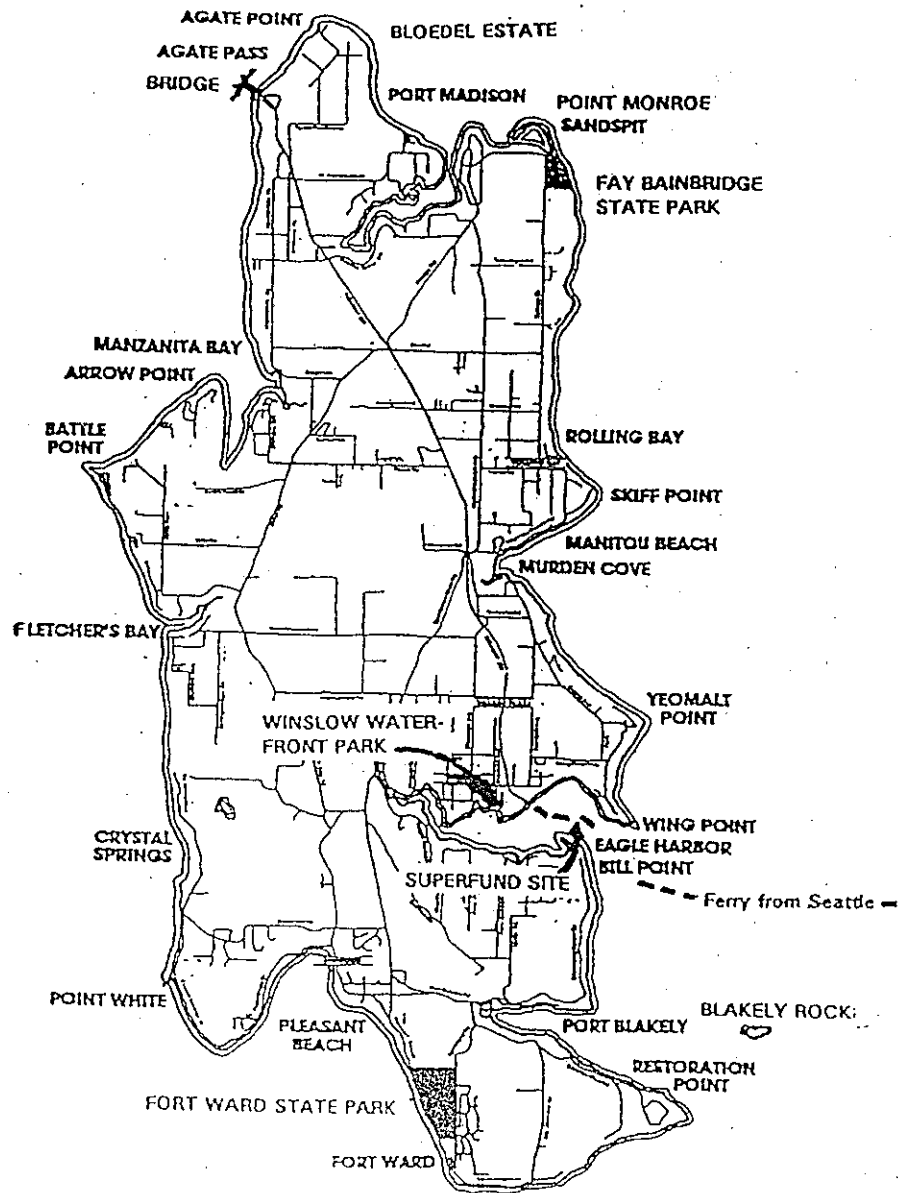


Figure 1-2 Map of Bainbridge Island

In 1991, the City of Winslow, consisting of 3,000 residents within an area of 1.5 square miles, annexed the rest of the unincorporated island. This brought the combined population to 17,000 inhabitants within an area of 31.5 square miles and created the City of Bainbridge Island. This master program is written for this new city pursuant to the Shoreline Management Act. It is designed to be an integral part of the Comprehensive Plan adopted pursuant to the Growth Management Act.

The following table describes components of each section of the master program.

Table 1-1. User's Guide to Bainbridge Island's SMP

SMP Section		Where It Applies to Your Proposal
Contents		
I Goals	Broadest policy contained in the SMP. Provides basis for all other SMP provisions. Includes recommendations for specific actions (for example, open space acquisition).	Used by the City to resolve question's regarding a proposal's consistency with the SMP and the Shoreline Management Act.
II Definitions	Contains definitions of terms used in the SMP.	
III General Policies and Regulations	Provisions that apply to all shoreline development including specific standards for: <ul style="list-style-type: none"> • Archeological/Historic Resources • Clearing and Grading • Environmental Impacts • Environmentally Sensitive Areas • Native Vegetation Zone • Parking • Public Access and View Protection • Shorelines of Statewide Significance • Signs • Utilities (accessory) • Water Quality 	The general provisions apply to all shoreline uses and activities. Consult this section before and after determining what specific shoreline use(s) and shoreline modification provisions apply to your proposal.
IV Environment Designation Policies and Regulations	Describes shoreline environment designations and the criteria for classifying shorelines. Includes provisions specific to each of the following environment designations: <ul style="list-style-type: none"> • Natural • Conservancy • Rural 	Consult this section to determine whether your proposal is located within shoreline jurisdiction, what shoreline environment it is located in and whether the proposed use or activity is prohibited, permitted or permitted with a Conditional Use permit.
Environment Designation		

SMP Section

Contents

<p>(Continued)</p>	<ul style="list-style-type: none"> • Semi-rural • Urban • Aquatic • Aquatic Conservancy <p>Summarizes SMP requirements in two matrices:</p> <ul style="list-style-type: none"> • Use and Activity Matrix • Use-related Development Standards Matrix 	<p>To ascertain the environment of a particular property, consult the official SMP map.</p> <p>Consult this section for a summary of site development standards such as heights and native vegetation zones.</p>
<p>V Specific Shoreline Use Policies and Regulations</p>	<p>Specific shoreline use provisions for each of the following shoreline uses or categories of uses:</p> <ul style="list-style-type: none"> • Agriculture • Aquaculture • Boating Facilities • Commercial Development • Flood Hazard and Stormwater Management • Forest Practices • Industry • Mining • Recreational Development • Residential Development • Transportation Facilities • Utilities (primary) 	<p>Consult this section for specific standards which apply to the proposed shoreline use - for example, provisions for residential development.</p> <p>Don't forget! Your proposal must also comply with the general provisions in Section III.</p>
<p>VI Shoreline Modification Activity Policies and Regulations</p>	<p>Provisions for each of the following shoreline modification activities:</p> <ul style="list-style-type: none"> • Beach Enhancement 	<p>Consult this section for specific standards which apply to any shoreline modification activity associated with your proposal - for</p>

SMP Section		
	<ul style="list-style-type: none"> • Shoreline Armoring (Bulkheads, Revetments, Seawalls) • Dredging and Dredge Material Disposal • Landfill • Piers, Docks and Recreational Floats and Mooring Buoys 	<p>example, provisions for bulkheads. Don't forget! Your proposal must also comply with the general provisions in Section III.</p>
VII Administration and Enforcement	<p>Describes the permit application and review process.</p>	<p>Consult this section for legal and administrative requirements for Shoreline Substantial Development Permits (SSDP), Conditional Use Permits (CUP), and Variances.</p>