



**CITY OF BAINBRIDGE ISLAND**  
**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

**SMP Regulatory Guidance Memo**

---

**Title:** Zone 2 Buffer Encroachment for Single-Family Residence

**Number:** 15-02

**Date:** October 2, 2015

**SMP Citation:** 4.1.3.6.4 and 4.1.3.11.2

---

**Background**

The shoreline structure setback view requirements allow reduction of the shoreline buffer to allow a new primary residential structure in Zone 2 and are also referenced in zone specific planting regulations found elsewhere in the code.

**Regulatory Language**

SMP 4.1.3.11.2 states, in part:

The Shoreline Buffer on the subject property may be reduced below the depth requirements identified in Table 4-3 to allow a new primary residential structure to be located within Zone 2.

SMP 4.1.3.6.4 states, in part (staff emphasis):

The following zone specific planting regulations apply to the Shoreline Buffer:

- b. In Zone 2, one-third (1/3) of the area may be planted in a combination of grass lawns and approved structures provided:
  - i. Significant native trees are not removed to establish such use, or
  - ii. The buffer has been reduced through view provisions of Section 4.1.3.11.

**Need for Regulatory Clarification**

Clarification is needed to provide guidance and consistency regarding: (1) whether encroachment into Zone 2 of the shoreline buffer is limited to a maximum of one-third (1/3) of the area, (2) what is intended

---

SMP Regulatory Guidance Memo 15-02  
June 10, 2015

by “a combination of grass lawns and approved structures,” and (3) the vegetation requirements for the remaining two-thirds (2/3) of the shoreline buffer.

### **Analysis**

Marine riparian shoreline vegetation is an important component of nearshore habitat throughout the Puget Sound region and includes both upland forested plant communities occurring on the shoreline as well as unique vegetation found only in the marine nearshore. The establishment of significant protection for marine riparian areas is an important management strategy for protecting marine habitat conservation areas.

Required shoreline buffers are specific to each shoreline use designation and geomorphic class and are composed of two zones: Zone 1, an inner protective buffer area located immediately abutting the ordinary high water mark (OHWM); and Zone 2, the remaining portion of the prescriptive width located immediately abutting Zone 1. Zone 1 is a subset of a dual-zone system, intended to preserve existing native trees and shrubs, and restore them when possible, to increase their presence adjacent to the shoreline and protect important shoreline functions. The establishment of Zone 1 as a component of a regulated buffer allows the City to effectively stem the loss of shoreline resources due to loss of native shoreline vegetation and, in conjunction with regulations addressing activities allowed in the remainder of the shoreline buffer, assist the City with meeting its goal of no net loss of shoreline ecological functions. The remainder of the shoreline buffer (Zone 2) required for each shoreline designation augments the protection for ecological functions provided by Zone 1, and therefore provides added conservation strategies for protecting marine riparian functions and critical saltwater habitats.

This dual-zone management system works together to increase the functions typically provided by a single standard marine shoreline buffer. While permitted development is less restrictive in Zone 2, the regulation limiting encroachment into Zone 2 of the shoreline buffer to a maximum of one-third (1/3) of the area and retention of native vegetation within the remaining two-thirds (2/3) support the dual-zone system and the importance of the entire shoreline buffer for meeting the goal of no net loss of shoreline ecological functions.

### **Conclusion**

1. The zone specific planting regulations of SMP §4.1.3.6.4 **limit encroachment into Zone 2 of the shoreline buffer to a maximum of one-third (1/3) of the area** when the buffer has been reduced to allow a primary structure to be located within Zone 2 through view provisions of SMP §4.1.3.11 or significant native trees are not removed to establish the encroachment.
2. Encroachment must constitute **a combination** of grass lawns and approved structures. Structures cannot constitute 100 percent of the area of encroachment. Approved structures include only new or enlarged single-family residential **primary** structures.
3. When Zone 2 is reduced up to one-third (1/3), the remaining two-thirds (2/3) of Zone 2 shall be maintained in a native vegetative state. All native vegetation shall be retained and the entire remaining two-thirds (2/3) of Zone 2 shall be planted with native vegetation. One (1) hand installed pervious trail is permitted to provide shoreline access in accordance with SMP §4.1.3.8.1.

Approved by:

*Katharine Cook*

*10-05-15*

---

Katharine Cook, Director  
Department of Planning and Community Development

Date