



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

**SMP Regulatory Guidance Memo**

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**Title:** Encumbered Lots

**Number:** 15-04

**Date:** June 15, 2015

**SMP Citation:** SMP 4.2.1.7

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**Background**

All shoreline properties are encumbered by a shoreline buffer. In addition, many shoreline properties are encumbered by critical area buffers. The code includes specific provisions for properties significantly encumbered by shoreline or critical area buffers.

**Regulatory Language**

SMP §4.2.1.7 states, in part:

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
  - a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping;

**Need for Regulatory Clarification**

Clarification is needed because the SMP does not clarify whether a lot is considered encumbered before or after available buffer reductions are applied.

## Analysis

As indicated in the regulatory language above, lots are considered to be encumbered and subject to strict building areas and footprint limitations if the lot does not have 2,500 square feet of building area outside of shoreline buffers and critical areas and their buffers. This regulatory guidance memo is intended to clarify that this regulation only applies to property after available reductions are made to shoreline and critical area buffers.

A number of buffer reductions are provided throughout the code, including shoreline buffer reductions for view provisions; shoreline alterations for minor development; buffer reductions for landslide hazard areas and prescriptive buffer variations for wetlands and streams.

If properties were considered encumbered prior to available buffer reductions, most shoreline properties would be considered encumbered thereby severely limiting their development potential and undermining provisions of the master program intended to allow alterations to existing development.

## Conclusion

A property is not considered encumbered if - after available reductions to the shoreline buffer and any critical area buffer - there is at least 2,500 square feet of building area.

## Approved by:

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Date