



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

**SMP Regulatory Guidance Memo**

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**Title:** Applicability of Shoreline Structure View Setback to Decks

**Number:** 15-07

**Date:** October 2, 2015

**SMP Citation:** SMP 4.1.3.11

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**Background**

Shoreline structure view setback requirements allow encroachment of new or expanded single-family structures into Zone 2 of the shoreline buffer. Should decks be allowed into the shoreline structure view setback?

**Regulatory Language**

Several sections of SMP 4.1.2.11 state, in part:

“...the shoreline setback line is determined by drawing a line from the most waterward point of the adjoining primary structure...”

**Need for Regulatory Clarification**

It is not clear whether or not decks are allowed to encroach into the shoreline structure view setback.

**Analysis**

A deck is considered a part of the primary structure if it is attached to the primary structure and is greater than 30 inches in height. Attached decks less than 30 inches high are not considered part of the primary structure nor are detached decks of any height. This reading of the code is consistent with the definition of “shoreline structure setback” provided in the previous SMP (1996) which read, “excluding structures less than 30 inches in height that are attached to the principal building.” There is no definition of “shoreline structure setback” provided in the 2014 SMP. Staff has no compelling reason to not use the same definition as was provided in the 1996 SMP. This reading of the code is supported by limitations on deck height within the shoreline buffer: “Decks and/or patios shall be permeable and shall not exceed 30 inches

in height above existing grade” (SMP 4.1.3.8.3.e.iii) as well as the requirement that decks over 30 inches high require a handrail, which would further impeded shoreline views.

**Conclusion**

A deck attached to the primary structure and greater than 30 inches high is not allowed to encroach into the shoreline structure view setback. The shoreline structure view setback line would be determined by the most waterward point of a deck if it is attached to the primary structure and greater than 30 inches high.

**Approved by:**

*Katharine Cook*

*10-05-15*

Katharine Cook, Director  
Department of Planning and Community Development

Date