

1 April 25, 1978

Introduced by: Bernice Stern
Proposed No. 78-52

2
3
4 ORDINANCE NO. 3688

5 AN ORDINANCE relating to Shoreline Management, creating a
6 new title in the King County Code, providing for the regulation
7 of development impacting shoreline areas of the county and the
8 administration of the Shoreline Management Act of 1971, repealing
9 Ordinance 2901, Sections 1,2 and 3; Ordinance 1402, Sections 1,2,
10 3,5,6,7,8,9,10,11,14,15 and 16; Ordinance 2795, Sections 1,2,3,4,5,
7,8,9,10,11 and 13; Ordinance 2535 Section 1; Ordinance 2910
Section 4 (part) and KCC 20.12.160, 20.40.010, 20.40.020, 20.40.030,
20.40.050, 20.40.060, 20.40.070, 20.40.080, 20.40.090, 20.40.100,
20.40.140, 20.40.145, 20.40.150, 20.40.160, and 20.40.170.

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 CHAPTER I. PURPOSE, NAME AND SCOPE.

13 SECTION 101. PURPOSE. The purpose of this title is to implement the Shore-
14 line Management Act of 1971 and to provide for the regulation of development
15 which impacts those areas of King County under the jurisdiction of the Shoreline
16 Management Act consistent with the policies of Section 2 of that act, WAC 173-16 and
17 the goals, policies and objectives of the King County Shoreline Management Master
18 Program.

19 This Title contains the Regulations of King County's Shoreline Management
20 Master Program and the procedures to implement those regulations. These regu-
21 lations and procedures are consistent with and implement the goals, policies and ob-
22 jectives of King County's Shoreline Management Master Program which are contained
23 in a separate document and adopted by ordinance.

24 SECTION 102. NAME. This title shall be known as "The Shoreline Manage-
25 ment Code".

26 SECTION 103. SCOPE. (1) No development shall be undertaken by any
27 person on the shorelines of the state unless such development is consistent with
28 the provisions of this Title and the goals, policies and objectives of the Master
29 Program.

30 (2) Development prohibited by this title but otherwise permitted by King
31 County land use controls is prohibited only within the shorelines of the state.

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1 (3) Development proposed on property adjacent to water bodies or wetlands
2 under the jurisdiction of the Shoreline Management Act shall be evaluated in
3 terms of the goals, policies and objectives of the Master Program.

4 SECTION 104. LIBERAL CONSTRUCTION. This Title is exempted from the
5 rule of strict construction and shall be liberally construed to give full effect to
6 the objectives and purposes for which it was enacted.

7 SECTION 105. RELATIONSHIP TO OTHER KING COUNTY PROGRAMS. King
8 County shall issue no permit prior to approval pursuant to this title nor take no
9 action contrary to the goals, policies, objectives and regulations of the King County
10 Shoreline Management Master Program when property under the jurisdiction of the
11 Shoreline Management Act is involved in a request for a decision in any of the
12 following programs:

- 13 (a) Building permit,
- 14 (b) Right-of-way construction permit,
- 15 (c) Short Subdivision,
- 16 (d) Grading Permit,
- 17 (e) Site Plan Approval,
- 18 (f) Access Permit,
- 19 (g) Trail Permit,
- 20 (h) State Flood Control Zone Permit,
- 21 (i) Zoning Variance,
- 22 (j) Conditional Use Permit,
- 23 (k) Comprehensive Plan Amendment or Addition,
- 24 (l) Zone Reclassification,
- 25 (m) Unclassified Use Permit,
- 26 (n) Planned Unit Development Approval,
- 27 (o) Subdivision Approval

28 SECTION 106. SEVERABILITY. If any provision of this ordinance or the
29 Master Program Regulations and Procedures hereby adopted or its application
30 to any person or circumstance is declared unconstitutional or invalid for any
31 reason, such decision shall not affect the validity of the remaining portions

of this ordinance or the Master Program.

2 CHAPTER II. DEFINITIONS. Unless otherwise defined herein, the definitions
3 contained in Title 21 (The Zoning Code), RCW 90.58 and WAC 173-14 shall apply.

4 SECTION 201. ACCESS, types of: (1) Public Access. "Public Access" means
5 actual unobstructed access available to the general public from land to the ordinary
6 high water mark or to the wetland directly abutting the ordinary high water mark.

7 (2) Limited Public Access. "Limited Public Access" means:

8 (a) actual physical access from land to the ordinary high water mark or
9 to the wetland directly abutting the ordinary high water mark, such access being
10 limited to specific groups of people or to certain regularly prescribed times, or

11 (b) visual access available to the general public to the shoreline
12 and adjacent waterbody, such access being specifically provided for in the de-
13 velopment of the site.

14 SECTION 202. AQUACULTURE. "Aquaculture" means the culture or farming
15 of food fish, shellfish, or other aquatic life in fresh or marine waters.

16 SECTION 203. AVERAGE GRADE LEVEL. "Average grade level" means the
17 average of the natural or existing topography at the center of all exterior walls
18 of a building or structure to be placed on a site; PROVIDED, that in the case
19 of structures to be built over water, average grade level shall be the elevation
20 of ordinary high water.

21 SECTION 204. BACKFILL. "Backfill" means the placement of earth
22 material behind a retaining wall or structure.

23 SECTION 205. BACKSHORE. "Backshore" means a berm, together with
24 associated marshes or meadows on marine shores, landward of the ordinary
25 high water mark which is normally above high tide level and has been gradually
26 built up by accretion.

27 SECTION 206. BEACH FEEDING. "Beach Feeding" means landfill deposited
28 on land or in the water to be distributed by natural water processes for the
29 purpose of supplementing beach material.

30 SECTION 207. BERM. "Berm" means one or several linear mounds of sand
31 and gravel generally paralleling the shore at or landward of the ordinary high water

mark which are normally stable because of material size or vegetation.

SECTION 208. BREAKWATER. "Breakwater" means an off-shore structure

either floating or not which may or may not be connected to the shore, such structure being designed to absorb and/or reflect back into the water body the energy of the waves.

SECTION 209. BULKHEAD. "Bulkhead" means solid or open pile wall of rock,

concrete, steel or timber or other materials or a combination of these materials erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent wetlands and uplands from waves or currents.

SECTION 210. CLASS I BEACH. "Class I Beach" means a beach or shore

having dependable, geologically fully developed, and normally dry backshore above high tide.

SECTION 211. CLASS II BEACH. "Class II Beach" means a beach or shore

having only marginally, geologically partially developed and not dependably dry backshore above high tide.

SECTION 212. CLASS III BEACH. "Class III Beach" means a beach or shore

having no dry backshore available at high tide.

SECTION 213. CLEARCUT LOGGING OR CLEARCUTTING. "Clearcut Logging"

or "Clearcutting" means the removal of the entire merchantable timber stand from an area.

SECTION 214. DEPARTMENT. "Department" means the Department of Planning

and Community Development.

SECTION 215. DEVELOPMENT. "Development" means any development as

defined in RCW 90.58 as now or hereafter amended.

SECTION 216. DIRECTOR. "Director" means the director of the Department

of Planning and Community Development or his authorized designee.

SECTION 217. EARTH MATERIAL. "Earth Material" is rock, natural soil or

combination thereof.

SECTION 218. ENVIRONMENT. "Environment" or "master program environ-

ment" or "shoreline environment" means the categories of shorelines of the state

established by the King County Shoreline Management Master Program to dif-

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ferentiate between areas whose features imply differing objectives regarding their use and future development.

SECTION 219. EXCAVATION. "Excavation" means the artificial movement of earth material.

SECTION 220. FLOAT. "Float" means a structure or device which is not a breakwater and which is moored, anchored, or otherwise secured in the waters of King County and which is not connected to the shoreline.

SECTION 221. FLOATING HOME. "Floating Home" means a houseboat, boat or building constructed on a float, used in whole or in part for human habitation as a dwelling unit, and which is moored, anchored, or otherwise secured in waters within unincorporated King County.

SECTION 222. GROIN. "Groin" means a barrier type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore.

SECTION 223. HEIGHT. "Height" shall be measured from average grade level to the highest point of a structure: PROVIDED, that appurtenances such as television antennas and chimneys shall not be used in calculating height.

SECTION 224. JETTY. "Jetty" means an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment.

SECTION 225. LANDFILL. "Landfill" is the placement of earth material by artificial means.

SECTION 226. LITTORAL DRIFT. "Littoral Drift" means the natural movement of sediment along marine or lake shorelines by wave breaker action in response to prevailing winds.

SECTION 227. LOT. "Lot" means a legal building site that is described by reference to a recorded plat, by metes and bounds, or by section, township and range which has direct legal access to a street or has access to a street over an easement approved by the County, provided that an owner of all or a contiguous portion of a plat which has been vacated consistent with the provisions of state law shall have only one lot within the meaning of this title.

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1 SECTION 228. MASTER PROGRAM. "Master Program" means the compre-
2 hensive shoreline use plan for King County consisting of: (1) The use regulations
3 and procedures contained in this Title, and

4 (2) The goals, objectives and policies of the King County Shoreline Manage-
5 ment Master Program which are contained in a separate document and adopted
6 by ordinance.

7 SECTION 229. NON-CONFORMING USE OR DEVELOPMENT. "Non-conforming
8 use or development" means those uses and structures that have been lawfully
9 established or constructed prior to November 22, 1976, which no longer conform
10 to the applicable regulations of the master program.

11 SECTION 230. NON-WATER RELATED USE. "Non-water related use" means
12 a use which is neither water dependent nor water related.

13 SECTION 231. NORMAL PROTECTIVE BULKHEAD COMMON TO SINGLE
14 FAMILY RESIDENCES. "Normal protective bulkhead common to single family
15 residences" means a bulkhead constructed on a building site zoned to permit
16 one single family residence and containing one single family residence.

17 SECTION 232. OPEN SPACE, REQUIRED. "Required open space" means a
18 portion of the area of a building site, which is required by this title, as set
19 forth in the different designations contained herein, to be maintained as open area
20 to be available for use by the persons specified in a development. Open spaces
21 are required to be free and clear of buildings and structures and to remain open
22 and unobstructed from the ground to the sky.

23 SECTION 233. ORDINARY HIGH WATER MARK. "Ordinary high water mark"
24 means the ordinary high water mark as defined in RCW 90.58 as now or hereafter
25 amended.

26 SECTION 234. PIER. "Pier" or "Dock" means a structure built in or over or
27 floating upon the water extending from the shore, which may be used as a landing
28 place for marine transport or for air or water craft or recreational activities.

29 SECTION 235. PERSON. "Person" means an individual, partnership,
30 corporation, association, organization, cooperative, public or municipal corporation,
31 or agency of any governmental unit however designated.

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1 SECTION 236. PORT. "Port" means a terminal facility where general and/or
2 bulk cargos are stored and/or transferred from land carriers to water carriers
3 or vice versa.

4 SECTION 237. REDESIGNATION. "Redesignation" means a change in the
5 shoreline environment designation by the procedures provided in Chapter VIII
6 of this Title.

7 SECTION 238. RECREATIONAL DEVELOPMENT. "Recreational development"
8 means a private or public development operated and devoted to facilities and equip-
9 ment for recreational purposes, including but not limited to swimming pools, tennis
10 courts, playgrounds, picnic areas, campgrounds, resorts and other similar uses
11 whether the use of such area is limited to those paying a fee or free to the public.

12 SECTION 239. REGENERATION. "Regeneration" means the renewal of a
13 tree crop, whether by natural or artificial means.

14 SECTION 240. RESIDENTIAL DEVELOPMENT, TYPES OF. (1) Residential
15 development, single family. "Single family residential development" or "single
16 family development" means development consisting of one or more one-family
17 dwellings.

18 (2) Residential development, multi-family. "Multi-family residential develop-
19 ment" or "Multi-family development" means development consisting of one or more
20 two-family dwellings and/or multiple dwellings.

21 SECTION 241. RIP RAP. "Rip rap" means hard angular quarry rock used
22 for revetments or other bank stabilization projects.

23 SECTION 242. SEDIMENT. "Sediment" is material settled from suspension
24 in a liquid medium.

25 SECTION 243. SELECTIVE CUTTING. "Selective cutting" means the removal
26 of certain trees selected for cutting so as not to interfere with the growth and
27 development of the remaining trees.

28 SECTION 244. SIDE CAST SLOPES. "Side cast slopes" means slopes of land-
29 fill compacted by natural settling over time.

30 SECTION 245. SIGN. "Sign" means any letters, figures, design, symbol,
31 light, structure, billboard, trademark or device intended or used to attract

1 attention to any activity, service, place, subject, person, firm, corporation,
2 public performance, article, machine, merchandise or thing. Excluded from
3 definition and regulation by this Title are official traffic signs or signals, official
4 public notices, signs required by law, warning signs, the flag of a government
5 or non-commercial institution such as schools and temporary signs worn or
6 carried by people.

7 SECTION 246. SHORELINES. "Shorelines" means all of the water areas
8 within the unincorporated portion of King County, including reservoirs, and
9 their associated wetlands together with the lands underlying them; except
10 (1) shorelines on segments of streams upstream of a point where the mean annual
11 flow is twenty cubic feet per second or less and the wetlands associated with such
12 upstream segments; and (2) shorelines on lakes less than twenty acres in size
13 and wetlands associated with such lakes.

14 SECTION 247. SHORELINE MANAGEMENT CONDITIONAL USE. "Shoreline
15 Management Conditional Use" or "Shoreline Conditional Use" means a use
16 specifically designated as a Shoreline Conditional Use in the Shoreline Manage-
17 ment Master Program.

18 SECTION 248. SHORELINE MANAGEMENT VARIANCE: "Shoreline Manage-
19 ment Variance" means an adjustment in the application of the regulations of the
20 Shoreline Management Master Program consistent with WAC 173-14.

21 SECTION 249. SHORELINES OF STATEWIDE SIGNIFICANCE: "Shorelines of
22 statewide significance" means those shorelines described in RCW 90.58.030(2)(e)
23 which are within the unincorporated portion of King County.

24 SECTION 250. SHORELINES OF THE STATE. "Shorelines of the state" are total
25 of all "shorelines" and "shorelines of statewide significance" within unincorporated
26 King County.

27 SECTION 251. SHORELINE PROTECTION. "Shoreline protection" means a
28 structure or device including but not limited to breakwaters, bulkheads, jetties,
29 groins and rip rap which is placed so as to prevent erosion or to alter the
30 normal currents, wave actions or other natural forces or actions of a waterbody.

31 SECTION 252. SHORELINE SETBACK. "Shoreline setback" means a required

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1 open space measured horizontally upland from and perpendicular to the ordinary
2 high water mark, or a required open space along shorelines which are steep
3 slopes, slide areas or flood plains.

4 SECTION 253. SLASH. "Slash" means the branches, bark, tops, chunks,
5 cull logs, uprooted stumps and broken or uprooted trees which remain on the
6 ground after logging.

7 SECTION 254. SOLID WASTE. "Solid waste" means all putrescible and non-
8 putrescible solid and semi-solid wastes including but not limited to garbage,
9 rubbish, ashes, industrial wastes, swill, demolition and construction wastes,
10 abandoned vehicles or parts thereof and discarded commodities.

11 SECTION 255. SUBSTANTIAL DEVELOPMENT. "Substantial development"
12 means any development which requires a shoreline management substantial
13 development permit, as defined in RCW 90.58.030(3)(e) as now or hereafter
14 amended.

15 SECTION 256. UTILITIES. "Utilities" are all lines and facilities related
16 to the distribution, collection, transmission or disposal of water, storm and
17 sanitary sewage, oil, gas, power or refuse.

18 SECTION 257. WATER DEPENDENT USE. "Water dependent use" or "water de-
19 pendent development" means a principle use which can only exist where the land-
20 water interface provides biological or physical conditions necessary for the use.

21 SECTION 258. WATER RELATED USE. "Water related use" or "water related
22 development" means a principle use which is not intrinsically dependent on a
23 location abutting the ordinary high water mark but which; (1) promotes the
24 public's enjoyment of or access to the water, or

25 (2) Gains a cost savings or revenue-differentiating advantage, which is not
26 associated with land rents or costs, from being located within the shorelines of the
27 state that could not be obtained at an upland location. Such uses include but are
28 not limited to residential development, boat sales or restaurants.

29 SECTION 259. WETLANDS. "Wetlands", "associated wetlands" or "wetland
30 areas" means those lands extending landward for two hundred feet in all directions
31 as measured on a horizontal plane from the ordinary high water mark; and

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marshes, bogs, swamps, floodways, river deltas, and the entire one-hundred year flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this Title; the same to be designated as to location by the Washington State Department of Ecology. Flood plains shall not include those areas which are effectively protected from the one-hundred year flood by authorized flood control devices or other legal improvements.

CHAPTER III. ENVIRONMENT DESIGNATIONS.

SECTION 301. PURPOSE. The purpose of these designations is to differentiate between areas whose geographical, hydrological, topographical or other features imply differing objectives regarding the use and future development of the shorelines of the state.

Each environment designation represents a particular emphasis in the type of uses and the extent of development which should occur within it. The Environmental Designation system is designed to encourage uses in each Environment which enhance or are compatible with the character of the Environment while at the same time requiring reasonable standards and restrictions on development so that the character of the Environment is not adversely impacted.

SECTION 302. NAMES OF ENVIRONMENT DESIGNATIONS. In order to accomplish the purpose of this title, Environmental Designations have been established to be known as follows:

Natural Environment

Conservancy Environment

Rural Environment

Urban Environment

SECTION 303. LIMITS OF ENVIRONMENT DESIGNATIONS. Each environment designations shall consist of:

(1) The entire water body from its center line or point, including all water below the surface, and

(2) The associated wetlands, provided; in those cases where a floodplain or other severe biophysical limitation to development does not cover the entire associated wetland one environment designation may be placed on the floodplain

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1 portion of the wetland or the portion of the wetland with severe biophysical
2 limitations and another on the remaining portion of the wetland.

3 (3) In shoreline areas where severe biophysical constraints such as flood-
4 plains, steep slopes, slide hazard areas and/or marshes, bogs or swamps do not
5 cover the entire associated wetland, proposed development in the remaining area
6 may be permitted consistent with the character of the surrounding land use, the
7 physical capabilities of the associated wetland and applicable County land use
8 plans and policies.

9 SECTION 304. ESTABLISHMENT OF DESIGNATIONS. (1) The written
10 descriptions of the boundaries of the Shoreline Environment Designations as
11 adopted by ordinance in the possession of the department shall constitute
12 the official legal descriptions of the boundaries of those Environment Designations.

13 (2) The official maps prepared pursuant to WAC 173-22 in the possession of
14 the Department shall constitute the official descriptions of the limits of all wet-
15 lands in King County as defined by RCW 90.58.030 and Chapter II of this Title.

16 (3) The Department may from time to time as new or improved information
17 becomes available, modify the above described official maps consistent with state
18 guidelines to more accurately represent or clarify or interpret the true limits of
19 the wetlands defined herein.

20 SECTION 305. LOCATION OF BOUNDARIES. (1) Boundaries indicated as
21 following streets, highways, roads and bridges shall be deemed to follow the
22 centerline of such facilities unless otherwise specified.

23 (2) Boundaries indicated as following railroad lines and transmission lines
24 shall be deemed to follow the centerline of such rights-of-way or easements
25 unless otherwise specified.

26 (3) Where different Environmental designations have been given to a tributary
27 and the main stream at the point of confluence, the environmental designation
28 given to the main stream shall extend for a distance of 200 feet up the tributary.

29 (4) In case of uncertainty as to a wetland or Environment boundary, the
30 Director shall determine its exact location pursuant to the criteria of WAC
31 173-22-055 and RCW 90.58.030 and the provisions of Chapter III of this Title.

CHAPTER IV. URBAN ENVIRONMENT.

2 SECTION 401. PURPOSE. The purpose of designating the Urban Environment
3 is to ensure optimum utilization of the shorelines of the state within urbanized
4 areas by permitting intensive use and by managing development so that it enhances
5 and maintains the shorelines of the state for a multiplicity of urban uses. The
6 Urban Environment is designed to reflect a policy of increasing utilization and
7 efficiency of urban areas, to promote a more intense level of use through redevelop-
8 ment of areas now under-utilized and to encourage multiple use of the shorelines
9 of the state if the major use is water dependent or water related while at the same
10 time safeguarding the quality of the environment.

11 SECTION 402. DESIGNATION CRITERIA. (1) Shorelines of the state used
12 or designated for high intensity commercial, industrial, or recreational use.

13 (2) Shorelines of the state of lower intensity use, where surrounding land
14 use is urban and urban services are available.

15 (3) Shorelines of the state used or designated for multi-family residential
16 development.

17 (4) Shorelines of the state used for port activities.

18 (5) Shorelines of the state developed for residential purposes and where
19 surrounding land use is urban and urban services are available.

20 (6) Shorelines of the state to be designated Urban Environment shall not have
21 biophysical limitations to development such as floodplains, steep slopes,
22 slide hazard areas and/or marshes, bogs or swamps.

23 SECTION 403. GENERAL REQUIREMENTS: (1) Non-water related development
24 and residential development shall not be permitted waterward of the ordinary high
25 water mark.

26 (2) Except in those cases when the height requirements of the underlying
27 zones are more restrictive, no structure shall exceed a height of thirty-five
28 feet above average grade level. This requirement may be modified if the view
29 of a substantial number of residences will not be obstructed, if permitted by the
30 applicable provisions of the underlying zoning, and if the proposed development
31 is agricultural, water related or water dependent.

1 (3) All development shall be required to provide adequate surface water
2 retention and sedimentation facilities during the construction period.

3 (4) Development shall maintain the first fifty feet of property abutting a
4 Natural Environment as required open space.

5 (5) Parking facilities except parking facilities associated with detached single
6 family and agricultural development shall conform to the following minimum conditions:

7 (a) parking areas serving a water-related or a non-water related
8 use must be located beneath or upland of the development which the parking area
9 serves;

10 (b) any outdoor parking area perimeter, excluding entrances and
11 exits, must be maintained as a planting area with a minimum width of five feet.

12 (c) one live tree with a minimum height of four feet shall be
13 required for each 30 linear feet of planting area;

14 (d) one live shrub of one gallon container size or larger for each
15 60 linear inches of planting area shall be required;

16 (e) additional perimeter and interior landscaping of parking areas
17 may be required, at the discretion of the Director, when it is necessary to screen
18 parking areas or when large parking areas are proposed.

19 (6) Collection facilities to control and separate contaminants shall be required
20 where storm water run-off from impervious surfaces would degrade or add to
21 the pollution of recipient waters or adjacent properties.

22 (7) The regulations of this Chapter have been categorized in a number of
23 sections; regardless of the categorization of the various regulations, all develop-
24 ment must comply with all applicable regulations.

25 (8) Development proposed in shorelines of the state shall maintain setbacks,
26 provide easements or otherwise develop the site to permit a trail to be constructed or
27 public access to continue, where: (a) there is a proposed trail in the King
28 County Trail System, or

29 (b) part of the site is presently being used and has historically been
30 used for public access.

31 (9) Along shorelines of the state on Lake Sammamish, no building shall

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be placed on lands below thirty-two and one half (32.5) feet Mean Sea Level.

SECTION 404. AGRICULTURAL PRACTICES. Agricultural practices may be permitted in the Urban Environment, subject to the General Requirements (Section 403) of this Chapter, provided: (1) the agricultural activity is permitted in the underlying zone classification;

(2) Any barn, shed or other structure constructed in conjunction with the permitted agricultural activity shall not be constructed within the floodway;

(3) Agricultural activity along shorelines of the state shall conform to the Best Management Practices developed pursuant to the Federal Water Pollution Control Act of 1972 and adopted by the King County Soil Conservation District.

(4) Lagoons, ponds or other waste retention facilities shall be subject to the same standard as described in subsection (2) above.

SECTION 405. AQUATIC RESOURCE PRACTICES. Aquatic resource practices may be permitted in the Urban Environment subject to the General Requirements (Section 403) of this Chapter, provided;

(1) Any structure placed waterward of the ordinary high water mark shall be placed so as not to:

(a) be a hazard to navigation, or

(b) cause or increase damage to neighboring properties, or

(c) be a hazard to divers who may frequent the area.

(2) Any by-products of the aquaculture facility which are discharged into the water shall not degrade the quality of the recipient waterbody.

(3) Aquacultural operations shall not be permitted on Class I beaches.

(4) Aquacultural facilities shall be installed with minimum disturbance to banks and existing channels.

(5) The commercial mechanical harvesting of shellfish may be permitted, provided:

(a) that such harvesting will not materially damage other commonly harvested aquatic life, and

(b) that the harvest site is rehabilitated within seven days of the harvest operation, and

(c) that the harvest operation will not materially damage any significant wildlife habitat or recreation site.

SECTION 406. FOREST MANAGEMENT PRACTICES. Forest Management Practices are not permitted in the Urban Environment.

SECTION 407. COMMERCIAL DEVELOPMENT. Commercial development may be permitted in the Urban Environment subject to the General Requirements (Section 403) of this Chapter, and, provided;

(1) That the commercial activity is permitted in the underlying zone classification;

(2) Uses which may be permitted in a Business or Commercial Zone Classification but which in fact primarily involve the manufacture or remanufacture of products including but not limited to:

(a) boat building;

(b) electric or neon sign manufacturing;

(c) machine shops;

(d) tire rebuilding, recapping and retreading;

shall be governed by the Industrial Development Sections of this Title.

(3) Water dependent commercial development shall not be required to maintain a shoreline setback.

(4) Water related commercial development shall maintain a shoreline setback of either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either ten (10) feet from the ordinary high water mark or the edge of the floodway, whichever is greater, if the water related development provides limited public access or public access.

(5) Non-water related commercial development shall maintain a shoreline setback of either fifty (50) feet from the ordinary high water mark or twenty (20) feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway, whichever is greater, if the non-water related development provides limited public access. This shore-

1 line setback may be reduced to either ten (10) feet from the ordinary high water
 2 mark or the edge of the floodway, whichever is greater, if the non-water related
 3 development provides public access.

4 (6) Piers, moorages, floats and launching facilities may be permitted
 5 accessory to commercial development, provided;

6 (a) the structure will serve a water dependent or water related use;

7 (b) the structure does not constitute a hazard to navigation;

8 SECTION 408. SIGNS. Signs may be permitted in the Urban Environment
 9 subject to the provisions of the underlying zoning, provided;

10 (1) No sign which is not constructed parallel to and flush against the side
 11 of a building shall be permitted which is more than seventy-two (72) inches in
 12 height as measured from the average grade level.

13 (2) Signs painted upon or constructed parallel to and flush against the side
 14 of a building shall not extend beyond the wall or above the roof line against
 15 which they are constructed.

16 (3) Signs shall be stationary, non-blinking and non-revolving.

17 (4) Signs shall have no auxilliary projections or attachments.

18 (5) Signs shall not be erected nor maintained upon trees, or drawn or painted
 19 upon rocks or other natural features.

20 (6) Artificial lighting of signs shall be directed away from adjacent properties
 21 and the water.

22 (7) Signs waterward of the ordinary high water mark shall be permitted only
 23 to the extent necessary for the operation of a permitted overwater development,
 24 provided; no such sign shall be larger than five (5) square feet.

25 SECTION 409. RESIDENTIAL DEVELOPMENT. (1) Multi-family residential
 26 development may be permitted in the Urban Environment subject to the General
 27 Requirements (Section 403) of this Chapter, provided;

28 (a) multi-family development is permitted in the underlying zone;

29 (b) multi-family residential development shall not be permitted
 30 waterward of the ordinary high water mark;

31 (c) Multi-family development shall maintain a shoreline setback of

1 fifty (50) feet from either the ordinary high water mark or from the upland edge
2 of the floodway or from the upland edge of areas of steep slope, slide hazard or
3 unstable soils, whichever is greater.

4 (2) Single family residential development may be permitted in the Urban
5 Environment subject to the General Requirements (Section 403) of this Chapter,
6 provided;

7 (a) single family development is permitted in the underlying zone
8 classification,

9 (b) single family development, including floating homes, shall not be
10 permitted waterward of the ordinary high water mark;

11 (c) Single-family development shall maintain a shoreline setback of
12 twenty (20) feet from either the ordinary high water mark or from the upland edge
13 of the floodway or from the upland edge of areas of steep slope, slide hazard or
14 unstable soils, whichever is greater.

15 (3) Accessory structures to the residence may be placed within the required
16 shoreline setback, provided;

17 (a) no accessory structure, except swimming pools, shall cover
18 more than 150 square feet;

19 (b) no accessory structure shall obstruct the view of the neighboring
20 properties.

21 (c) no accessory structure shall exceed eight (8) feet in height.

22 (4) Any pier, moorage, float or launching facility authorized by this section
23 shall be subject to the following conditions;

24 (a) no structure may be located nor extend further waterward of the
25 ordinary high water mark than one-fourth (1/4) the total distance from the shore-
26 line associated with the structure to the opposite shoreline. This total distance
27 shall be measured from the point where the authorized structure abuts the ordinary
28 high water mark to the nearest opposite high water mark as measured along a
29 straight line, provided, when the structure does not abut the ordinary high water
30 mark the distance from one ordinary high water mark to the opposite ordinary high
31 water mark shall be measured along the shortest straight line passing through the

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1 center of that structure which commences from the property associated with such
2 a structure;

3 (b) no covered pier, covered moorage, covered float, or other
4 covered structure is permitted waterward of the ordinary high water mark;

5 (c) no pier, moorage, float, or overwater structure or device
6 shall be located closer than 15 feet from the side property line extended except
7 that such structures may abut property lines for the common use of adjacent
8 property owners when mutually agreed to by the property owners in a contract
9 recorded with the King County Department of Records and Elections; a copy of
10 which must accompany an application for a building permit or a shoreline permit,
11 such joint use piers may be permitted up to twice the surface area allowed by
12 this Title;

13 (d) all piers, moorages, floats or other such structures shall float
14 at all times on the surface of the water or shall be of open pile construction,
15 provided no portion of the structure shall, during the course of the normal
16 fluctuations of the elevation of the water body, protrude more than five feet above
17 the surface of the water.

18 (e) no pier, including finger pier, moorage, float, or overwater
19 structure or device shall be wider than fifty (50) per cent of the lot with which it is
20 associated.

21 (f) no dwelling unit may be constructed on a pier.

22 (5) Piers, moorages, floats and launching facilities may be permitted
23 accessory to multi-family developments, or as common use facilities associated
24 with a subdivision or planned unit development, provided;

25 (a) no more than one pier for each one hundred feet of shorelines of
26 the state associated with the multi-family development, subdivision, short subdivision
27 or planned unit development is permitted,

28 (b) the total number of moorage spaces shall be limited to one moorage
29 space for every two dwelling units in the multi-family development, subdivision or
30 planned unit development provided no more than twenty (20) moorage spaces
31 shall be permitted,

1 (c) the maximum waterward intrusion of any portion of any pier
2 shall be eighty feet, provided this intrusion may be increased four feet for each
3 additional moorage space over ten moorage spaces to a maximum of 120 feet,

4 (d) the minimum width of each pier shall be five feet.

5 (e) moorage piles not constructed in conjunction with a pier are
6 limited by the following conditions;

7 (i) all piles shall be placed so as not to constitute a hazard to
8 navigation;

9 (ii) no pile shall be placed more than eighty feet waterward of the
10 ordinary high water mark;

11 (iii) all piles shall be placed in a water depth not to exceed 13
12 feet below the ordinary high water mark;

13 (f) Launching ramps and lift stations are limited by the following
14 conditions;

15 (i) no portion of a launching ramp or lift station shall be placed more
16 than 60 feet waterward of the ordinary high water mark,

17 (ii) launching rails or ramps shall be anchored to the ground through
18 the use of tie-type construction. Asphalt or concrete ramps or other ramps which
19 solidly cover the water body bottom are not permitted,

20 (iii) no more than two common use launching ramps for each one
21 hundred feet of shorelines of the state associated with the multi-family development,
22 short subdivision, subdivision or planned unit development permitted;

23 (g) Common use floats are limited by the following conditions;

24 (i) one float per multi-family development, short subdivision, sub-
25 division or planned unit development is permitted;

26 (ii) no portion of a float shall be placed more than eighty-feet
27 waterward of the ordinary high water mark;

28 (iii) no float shall have more than one-hundred fifty square
29 feet of surface area.

30 (h) Excavated moorage slips shall not be permitted accessory to
31 multi-family development or as common use facilities accessory to subdivisions,

short subdivisions, or planned unit developments.

(6) Piers, moorages, floats and launching facilities may be permitted accessory to a single family residence, provided;

(a) private, single residence piers for the sole use of the property owner shall not be considered an outright use on King County shorelines. A pier may be allowed when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible:

(i) commercial or marina moorage.

(ii) floating moorage bouy

(iii) joint use moorage pier

(b) no more than one pier for each residence is permitted.

(c) On lots with less than fifty feet of waterfront only joint use piers shall be permitted except when both lots abutting the subject lot have legally established piers then the lot with less than fifty feet of waterfront may be permitted an individual pier.

(d) the maximum waterward intrusion of any portion of any pier shall be eighty feet, or the point where the water depth is 13 feet below the ordinary high water mark whichever is reached first;

(e) the total surface area of piers, moorages, floats and/or launching facilities, or any combination thereof, shall not exceed 600 square feet, provided that, no float shall have more than 150 square feet of surface area;

(f) moorage piles are limited by the following conditions;

(i) all piles shall be placed so as to not constitute a hazard to navigation;

(ii) no pile shall be placed more than eighty feet waterward of the ordinary high water mark;

(iii) all moorages piles shall be placed in a water depth not to exceed 13 feet below the ordinary high water mark;

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(iv) no more than two moorage piles per residence are permitted;

(g) launching ramps and lift stations are limited by the following conditions;

(i) no portion of a launching ramp or lift station shall be placed more than 60 feet waterward of the ordinary high water mark.

(ii) all portions of a launching ramp or lift station shall be placed at a depth not to exceed 8 feet below the ordinary high water mark;

(iii) launching rails shall be anchored to the ground with the use of tie-type construction. Asphalt or concrete ramps or other ramps which solidly cover the water-body bottom are not permitted;

(iv) no more than one launching rail per single family residence is permitted;

(h) Floats are limited by the following conditions;

(i) one float per residence is permitted;

(ii) no portion of a float shall be placed more than eighty feet waterward of the ordinary high water mark;

(iii) retrieval lines shall not float at or near the surface of the water

(iv) no float shall have more than 150 square feet of surface area.

(i) excavated moorage slips are limited by the following conditions:

(i) one moorage slip per residence is permitted;

(ii) no moorage slip shall be excavated more than six (6) feet below the ordinary high water mark

(iii) no moorage slip shall have more than five hundred twenty five (525) square feet of surface area as measured from the tops of the banks and the ordinary high water mark.

(j) a residence may have either a pier or an excavated moorage slip but not both.

SECTION 410. SUBDIVISIONS. (1) Any lot located wholly or partially within the shorelines of the state shall be subject to the substandard lot provisions of

KCC 21.48.

(2) Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, open space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

(3) The lot averaging provisions of Title 21 shall not apply to lots wholly or partially within the shoreline.

SECTION 411. UTILITIES. Utility facilities may be permitted in the Urban Environment subject to the General Requirements Section (Section 403) of this Chapter, provided; (1) utility and transmission facilities shall:

- (a) avoid disturbance of unique and fragile areas;
- (b) avoid disturbance of wildlife spawning, nesting and rearing areas;
- (c) overhead utility facilities shall not be permitted in public parks, monuments, scenic recreation or historic areas.

(2) Utility distribution and transmission facilities shall be designed so as to:

- (a) minimize visual impact;
- (b) harmonize with or enhance the surroundings;
- (c) not create a need for shoreline protection;
- (d) utilize to the greatest extent possible natural screening.

(3) The construction and maintenance of utility facilities shall be done in such a way so as to:

- (a) maximize the preservation of natural beauty and the conservation of resources;
- (b) minimize scarring of the landscape;
- (c) minimize siltation and erosion;
- (d) protect trees, shrubs, grasses, natural features and topsoil from drainage;
- (e) avoid disruption of critical aquatic and wildlife stages.

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1 (4) Rehabilitation of areas disturbed by the construction and/or maintenance
2 of utility facilities shall:

3 (a) be accomplished as rapidly as possible to minimize soil erosion
4 and to maintain plant and wildlife habitats;

5 (b) utilize plantings compatible with the native vegetation.

6 (5) Solid waste transfer stations shall not be permitted within the shorelines
7 of the state.

8 SECTION 412. INDUSTRIAL DEVELOPMENT. (1) The provisions of this
9 chapter apply to industrial and manufacturing types of activities including ports.

10 (2) Industrial development may be permitted in the Urban Environment
11 subject to the General Requirements (Section 403) of this Chapter, provided that:

12 (a) the industrial activity is permitted in the underlying zone
13 classification;

14 (b) the industrial activity shall utilize the best techniques in design
15 and siting to prevent the release of contaminants into the adjoining water bodies
16 in order to comply with the water quality standards promulgated under the
17 provisions of RCW 90.48;

18 (c) Oxidation and waste stabilization ponds shall not be permitted
19 within the shoreline of the state;

20 (d) the maintenance of these provisions may be assured by requiring
21 a performance bond of sufficient size to substantially defray the cost of a clean-up
22 or rehabilitation effort.

23 (3) The height limitations of the General Requirements Section (Section 403)
24 of this chapter shall not apply to water dependent industrial development.

25 (4) The provisions of this chapter shall not be construed to permit the con-
26 struction of any oil port facility designed to load or unload ships 125,000 dead
27 weight tons or larger in size.

28 (5) Outside storage of equipment, vehicles, materials or supplies shall
29 maintain a shoreline setback of twenty (20) feet from the ordinary high water
30

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mark.

(6) Except as provided in subsection (5) above, water dependent industrial development shall not be required to maintain a shoreline setback.

(7) Water related industrial development shall maintain a shoreline setback of either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway whichever is greater. This shoreline setback may be reduced to either ten (10) feet from the ordinary high water mark or to the edge of the floodway, whichever is greater, if the water related development provides limited public access or public access.

(8) Non-water related industrial development shall maintain a shoreline setback of either fifty (50) feet from the ordinary high water mark or twenty (20) feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway, whichever is greater, if the non-water related development provides limited public access. This shoreline setback may be reduced to either ten (10) feet from the ordinary high-water mark or the edge of the floodway, whichever is greater, if the non-water related development provides public access.

(9) Piers, moorages, slips, floats and launching facilities may be permitted accessory to industrial development, provided:

(a) the facility will serve a water dependent or water related use,

(b) the facility does not constitute a hazard to navigation.

SECTION 413. SHORELINE PROTECTION. Shoreline protection may be permitted in the Urban Environment, provided; (1) Shoreline protection to replace existing shoreline protection shall not be located farther waterward than the shoreline protection it is replacing;

(2) On lots where the directly abutting lots have legally established shoreline protection, shoreline protection may be installed no further waterward than is necessary to tie in with the shoreline protection on the abutting lots.

1 (3) A bulkhead, the toe of which is located below the ordinary high water
2 mark, may not be considered to be a normal protective bulkhead common to a
3 single family residence unless it is replacing an existing bulkhead consistent
4 with subsection (1) of this section or it is necessary to place it below the
5 ordinary high water mark consistent with subsection (2) of this section.

6 (4) Shoreline protection shall not be considered an outright permitted
7 use and shall be permitted only when it has been demonstrated that shoreline
8 protection is necessary for the protection of existing legally established structures
9 and public improvements or the preservation of important agricultural lands as
10 designated by the Office of Agriculture.

11 (5) Shoreline protection shall not have adverse impact on the property of
12 others;

13 (6) Shoreline protection shall not be used to create new lands, except that
14 groins may be used to create a public Class I beach if they comply with all
15 other conditions of this section;

16 (7) Shoreline protection shall not significantly interfere with normal surface
17 and/or subsurface drainage into the water body;

18 (8) Automobile bodies or other junk or waste material which may release
19 undesirable material shall not be used for shoreline protection,

20 (9) Shoreline protection shall be designed so as to not constitute a hazard
21 to navigation and to not substantially interfere with visual access to the water.

22 (10) Shoreline protection shall be designed so as to not create a need for
23 shoreline protection elsewhere.

24 SECTION 414. FILLING AND EXCAVATION. Filling and excavation may be per-
25 mitted in the Urban Environment, only as part of an approved overall development
26 plan not as an independent activity provided; (1) Any fill or excavation regardless
27 of size, shall be subject to the provisions of KCC 16.82.100;

28 (2) Landfill may be permitted below the ordinary high water mark only
29 when necessary for the operation of a water dependent or water-related use,

1 or when necessary to mitigate conditions which endanger public safety.

2 (3) Landfill or excavations shall be permitted only when technical information
3 demonstrates water circulation, littoral drift, aquatic life and water quality will
4 not be substantially impaired;

5 (4) Landfill shall be prohibited within the floodway;

6 (5) Landfill shall not be permitted in marshes, bogs or swamps.

7 (6) Class I beaches shall not be covered by landfill except for beach feeding.

8 (7) No refuse disposal sites, solid waste disposal sites, or sanitary fills of
9 putrescible or non-putrescible material shall be permitted within the shorelines
10 of the state.

11 (8) Excavation below the ordinary high water mark shall be permitted only
12 when necessary for the operation of a water dependent or water related use, or
13 when necessary to mitigate conditions which endanger public safety or fisheries
14 resources; provided that this paragraph shall not be construed to permit the
15 mining or quarrying of any substance below the ordinary high water mark.

16 SECTION 415. RECREATION. Recreational Development may be permitted
17 in the Urban Environment subject to the General Requirements (Section
18 403) of this Chapter and, provided; (1) The recreational development is
19 permitted in the underlying zone;

20 (2) Swimming areas shall be separated from boat launch areas and marinas;

21 (3) The development of underwater sites for sport diving shall not;

22 (a) take place at depths of greater than 80 feet;

23 (b) constitute a navigational hazard

24 (c) be located in areas where the normal water-borne traffic would
25 constitute a hazard to those people who may use such a site;

26 (4) The construction of swimming facilities, piers, moorages, floats and
27 launching facilities below the ordinary high water mark shall be governed by the
28 regulations relating to pier and moorage construction in the Commercial Develop-
29 ment (Section 407) of this Chapter,

(5) Public boat launching facilities or marinas may be developed, provided:

(a) The traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility;

(b) The facility will not be located on a Class I beach.

(6) Upland facilities constructed in conjunction with a recreational development shall be setback and/or sited to avoid contamination of the shorelines of the state.

(7) All service facilities within and associated with marinas shall have provisions to prevent and control contaminants from entering the water. Provisions shall be available for clean-up of accidental spills of contaminants.

(8) Marina facilities shall be prohibited on Class I beaches or where their development would interrupt littoral currents and starve Class I beaches.

(9) Public pedestrian and bicycle pathways shall be permitted adjacent to water bodies;

(10) Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;

(11) Water viewing, nature study, recording and viewing shall be accommodated by space, platforms, benches or shelter, consistent with public safety and security.

CHAPTER V. RURAL ENVIRONMENT.

SECTION 501. PURPOSE. The purpose of designating the Rural Environment is to restrict intensive development, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses, within the ecological carrying capacity of the land and water resource. New developments in a Rural Environment should reflect the character of the surrounding area by limiting intensity, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural types of uses.

SECTION 502. DESIGNATION CRITERIA. (1) Shorelines of the state possessing high capability to support active agriculture purposes.

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2 (2) Shorelines of the state used or designated for residential development at
a density of three units per acre or less.

3 (3) Shorelines of the state used or designated for light manufacturing or
4 neighborhood business type uses.

5 (4) Shorelines of the state developed for residential purposes where surrounding
6 land use is residential in character without all urban services.

7 (5) Shorelines of the state to be designated Rural shall not have severe bio-
8 physical limitations to development such as flood plains, steep slopes, slide hazard
9 areas and/or marshes, swamps or bogs.

10 SECTION 503. GENERAL REQUIREMENTS. (1) Non-water related and resi-
11 dential development shall not be permitted waterward of the ordinary high water
12 mark.

13 (2) Except in those cases when the height requirements of the underlying
14 zone are more restrictive, no structure shall exceed a height of thirty-five feet
15 above average grade level. This requirement may be modified if the view of a
16 substantial number of residences will not be obstructed, if permitted by the
17 applicable provisions of the underlying zoning and if the proposed development is
18 agricultural or water dependent.

19 (3) All development shall be required to provide adequate surface water
20 retention and sedimentation facilities during the construction period.

21 (4) Development shall maintain the first fifty (50) feet of property abutting
22 a Natural Environment as required open space.

23 (5) Parking facilities except parking facilities associated with detached single
24 family and agricultural development shall retain existing vegetation or be planted
25 in conformance with the landscape standards enumerated in the General Require-
26 ments (Section 403) of the Urban Environment.

27 (6) Collection facilities to control and separate contaminants shall be required
28 where storm water run-off from impervious surfaces would materially degrade
29 or add to the pollution of recipient waters or adjacent properties.

1
2 (7) The regulations of this Chapter have been categorized in a number of
3 sections; regardless of the categorization of the various regulations, all develop-
4 ment must comply with all applicable regulations.

5 (8) Development proposed in shorelines of the state shall maintain setbacks,
6 provide easements or otherwise develop the site to permit a trail to be constructed
7 or public access to continue where:

8 (a) there is a proposed trail in the King County Trail System, or

9 (b) part of the site is presently being used and has historically been
10 used for public access

11 (9) Along shorelines of the state on Lake Sammamish, no building shall
12 be placed on lands below thirty-two and one half (32.5) feet Mean Sea Level.

13 SECTION 504. AGRICULTURAL PRACTICES. Agricultural practices may be
14 permitted in the Rural Environment subject to the Agricultural Practices provisions
15 (Section 404) of the Urban Environment.

16 SECTION 505. AQUATIC RESOURCE PRACTICES. Aquatic resource practices
17 may be permitted in the Rural Environment subject to the Aquatic Resource
18 Practice provisions (Section 405) of the Urban Environment.

19 SECTION 506. FOREST MANAGEMENT PRACTICES. Forest Management
20 Practices may be permitted in the Rural Environment provided:

21 (1) In order to prevent unnatural erosion, siltation, and temperature increase;
22 to prevent the movement of logging debris into lakes and streams; to preserve
23 bank structure and riparian vegetation, and to preserve the aesthetic qualities
24 of the shoreline, a buffer strip shall be established along rivers, streams, lakes
25 and other waterbodies. All residual vegetation in the buffer strip, including
26 grasses, shrubs, natural cull, and non-merchantable trees which serve such
27 purpose shall be left substantially undisturbed. Where residual vegetation
28 is inadequate to provide such a buffer, sufficient merchantable trees shall be
29 left. Removal of mature timber from the buffer strip which would destroy the
30 shading and filtering effect of the remaining buffer is prohibited.
31

(2) All culverts shall be adequate in size and design to carry the maximum anticipated flow, and shall be kept clear of obstructions. The minimum size for culverts shall be 15 inches in diameter.

(3) Culverts installed in streams used by fish shall meet all requirements set by the State Departments of Fisheries and Game.

(4) Roads and landings shall not be constructed within shoreline areas except when necessary to:

(a) cross streams,

(b) avoid road construction on unstable soils or on steep slopes when such construction would be more harmful than a shoreline location.

(c) perform water course improvement work only after approval of the State Departments of Fisheries and Game.

(5) Roads shall minimize cut and fill.

(6) Where roadside material is potentially unstable or erodable, it shall be stabilized by use of seeding, compacting, riprapping, benching, or other suitable means.

(7) Cut slopes shall not exceed:

(X to Y) 1/4 to 1 in rock

3/4 to 1 in stable soils

1-1/2 to 1 in unstable soils

(8) Side cast and embankment fill slopes shall not exceed:

(X to Y) 1-1/3 to 1 in broken rock and stable soils.

1-1/2 to 1 in unstable soils.

(9) Running surface widths should be kept to a minimum, with not more than 26 feet for two-lane roads and not more than 14 feet for single lane roads.

(10) Embankment fills shall:

(a) be constructed and compacted in layers no more than two feet thick, and

(b) Consist of inorganic material with no buried slash or debris

beneath the running surface, and

(c) not encroach upon a 100 year flood plain so as to reduce its storage capacity or disturb riparian vegetation.

(11) Where side cast would encroach upon a 100 year flood plain, end haul construction is required.

(12) Waterway crossings shall be constructed with minimum disturbance to banks and existing channels.

(13) Any soil or debris accidentally placed in the channel during bridge construction shall be removed by approved methods. All exposed soils shall be stabilized.

(14) All bridges shall be high enough to pass all anticipated debris and high water flows.

(15) Where aggregate earthen materials are used for paving or accumulate on bridges, sufficient curbs shall be installed to contain the surface material.

(16) Each stringer bridge shall have one secured end and one end free to swing.

(17) When active use of a logging road is discontinued, it shall be left in such condition to provide adequate drainage and soil stability.

(18) Equipment used for transportation, storage or application of chemicals shall be maintained in leak-proof condition. If there is evidence of chemical leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.

(19) Materials treated with penta, creosote, or other chemicals shall be dried completely before use in any lake or stream.

SECTION 507. COMMERCIAL DEVELOPMENT. Commercial Development may be permitted in the Rural Environment subject to the Commercial Development requirements (Section 407) of the Urban Environment, the General Requirements (Section 503) of this Chapter and provided:

(1) That the commercial activity is permitted in the underlying zone;

(2) Water dependent commercial development shall not be required to maintain a shoreline setback.

(3) Water related commercial development shall maintain a shoreline setback of either fifty (50) feet from the ordinary high water mark or twenty (20) feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway, whichever is greater, if the water-related development provides limited public access or public access.

(4) Non-water related commercial development shall maintain a shoreline setback of either seventy-five (75) feet from the ordinary high water mark or thirty (30) feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either fifty (50) feet from the ordinary high water mark or twenty (20) feet from the edge of the floodway, whichever is greater, if the non-water related development provides limited public access. This shoreline setback may be reduced to either twenty (20) feet from the ordinary high water mark or ten (10) feet from the edge of the floodway, whichever is greater if the non-water related development provides public access.

(5) Piers, moorages, floats and launching facilities may be permitted accessory to commercial development, provided;

- (a) the structure will serve a water dependent use;
- (b) the structure does not constitute a hazard to navigation;
- (c) no portion of the structure shall be located more than 120 feet waterward of the ordinary high water mark.

SECTION 508. SIGNS. Signs are permitted in the Rural Environment subject to the provisions of the underlying zoning and sign provisions of the Urban Environment (Section 408), provided that no sign shall be larger than 50 square feet.

SECTION 509. RESIDENTIAL DEVELOPMENT. (1) Multi-family residential development may be permitted in the Rural Environment subject to the General

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1 Requirements (Section 503) of this Chapter and the Residential provisions
 2 (Section 409) of the Urban Environment provided that multi-family development
 3 shall maintain a shoreline setback of seventy-five (75) feet from either the
 4 ordinary high water mark or from the upland edge of the floodway or from the
 5 edge of areas of steep slopes, slide hazard or unstable soils, whichever is greater.

6 (2) Single-family residential development may be permitted in the Rural
 7 Environment subject to the General Requirements (Section 503) of this Chapter
 8 and the Residential provisions (Section 409) of the Urban Environment.

9 (3) Any pier, moorage, float or launching facility permitted accessory to
 10 single or multi-family development or common use facility accessory to a sub-
 11 division, short subdivision or planned unit development in the Rural Environment
 12 shall be subject to the Residential pier, moorages, float or launching facility
 13 provisions of the Urban Environment.

14 SECTION 510. SUBDIVISION. The lot standards enumerated in this sub-
 15 section apply to any lot which has buildable area within the shorelines of the state.
 16 Buildable area means that area of the lot, exclusive of any required open space, yards
 17 or setbacks upon which a structure may be constructed. (1) The minimum required
 18 area of a lot in the Rural Environment shall be five acres, provided however;

19 (a) the minimum lot area may be reduced to 20,000 square feet when;

20 (i) all lots are part of an approved subdivision or short subdivision,

21 (ii) all lots are served by public water.

22 (iii) all lots are served by an approved sewage disposal system,

23 (iv) all lots are served by paved streets,

24 (v) all lots have a minimum width of 100 feet,

25 (vi) the base units per acre for that portion of a site under Shoreline
 26 Management jurisdiction in this case for a planned unit development or multi-family
 27 development shall be two,

28 (b) the minimum lot area may be reduced to 12,500 square feet when;

29 (i) all lots are part of an approved subdivision or short subdivision,

- (ii) all lots are served by public water,
- (iii) all lots are served by public sewers,
- (iv) all lots are served by paved streets,
- (v) all lots have a minimum width of 80 feet,
- (vi) the base units per acre for that portion of a site under Shoreline

Management jurisdiction in this case for a planned unit development or multi-family development shall be three.

(2) Any lot located wholly or partially within the shorelines of the state shall be subject to the substandard lot provisions of KCC 21.48.

(3) Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, open space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

(4) The foregoing lot area and width standards may be further reduced in direct proportion to the amount of usable area dedicated as common open space within the shorelines of the state as long as the net density remains the same. The common open space shall provide physical access to the ordinary high water mark for the residents of an approved subdivision; short subdivision or planned unit development provided that in no case may the lot standards be reduced below the lot standards required by Title 21 (The Zoning Code) for the zone classification in which the lot(s) is (are) located.

(5) The lot averaging provisions of KCC 21.08 shall not apply to any lot wholly or partially within the shorelines of the state.

SECTION 511. UTILITIES. Utility facilities may be permitted in the Rural Environment subject to the Utilities Requirements (Section 411) of the Urban Environment and the General Requirements (Section 503) of this Chapter.

SECTION 512. INDUSTRIAL DEVELOPMENT. (1) The provisions of this Chapter apply to industrial and manufacturing types of activities including ports.

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2 (2) Industrial Development may be permitted in the Rural Environment subject
3 to the industrial development provisions (Section 412) of the Urban Environment
4 and the General Requirements (Section 503) of this Chapter, provided the
5 industrial activity is permitted in the underlying zone.

6 (3) Water dependent industrial development shall not be required to
7 maintain a shoreline setback.

8 (4) Water related industrial development shall maintain a shoreline setback
9 of either fifty (50) feet from the ordinary high water mark or twenty (20) feet
10 from the edge of the floodway, whichever is greater. This shoreline setback
11 may be reduced to either twenty (20) feet from the ordinary high water mark
12 or ten (10) feet from the edge of the floodway, whichever is greater, if the
13 water related development provides limited public access or public access.

14 (5) Non-water related industrial development shall maintain a shoreline
15 setback of either seventy-five (75) feet from the ordinary high water mark or
16 thirty (30) feet from the edge of the floodway, whichever is greater. This shore-
17 line setback may be reduced to either fifty (50) feet from the ordinary high water
18 mark or twenty (20) feet from the edge of the floodway, whichever is greater,
19 if the non-water related development provides limited public access. This shore-
20 line setback may be reduced to either twenty (20) feet from the ordinary high
21 water mark or ten (10) feet from the edge of the floodway, whichever is greater,
22 if the non-water related development provides public access.

23 (6) Piers, moorages, floats or launching facilities may be permitted accessory
24 to industrial development, provided,

25 (a) the structure will serve a water dependent use,

26 (b) the structure does not constitute a hazard to navigation.

27 SECTION 513. SHORELINE PROTECTION. (1) Shoreline Protection may be
28 permitted in the Rural Environment subject to the shoreline protection provisions
29 (Section 413) of the Urban Environment;

30 (2) Breakwaters shall not be permitted.
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1 SECTION 514. FILLING AND EXCAVATION. Filling and excavation may be
 2 permitted in the Rural Environment subject to the fill and excavation provisions
 3 (Section 414) of the Urban Environment provided: (1) fill or excavation below the
 4 ordinary high water mark shall be permitted only to serve a water dependent use
 5 or when necessary to mitigate conditions which endanger public safety or fisheries
 6 resources.

7 (2) Channelizing, straightening or relocating rivers or streams shall not
 8 be permitted.

9 SECTION 515. RECREATION. Recreational Development may be permitted in
 10 the Rural Environment subject to the General Requirements (Section 503) of this
 11 Chapter and the Recreation provisions (Section 415) of the Urban Environment,
 12 provided that any pier, moorage, float or launching facility constructed in con-
 13 junction with a recreational development shall be governed by the pier and
 14 moorage regulations for Commercial Development (Section 507) in this Chapter.

15 CHAPTER VI. CONSERVANCY ENVIRONMENT.

16 SECTION 601. PURPOSE. Conservancy areas are intended to maintain their
 17 existing character. This designation is designed to protect, conserve, and manage
 18 existing natural resources and valuable historic and cultural areas. The preferred
 19 uses are those nonconsumptive of the physical and biological resources of the
 20 area.

21 SECTION 602. DESIGNATION CRITERIA. (1) Shoreline areas, regardless of
 22 the underlying zoning which has biophysical limitations to development which in-
 23 clude but are not limited to:

24 (a) Shoreline areas which are 100 year flood plains and areas
 25 which have flooding potential,

26 (b) shoreline areas with soils that have poor drainage,

27 (c) shoreline areas subject to severe erosion,

28 (d) shoreline areas with unstable banks,

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(e) shoreline areas subject to slide hazard.

(2) Shoreline areas used as commercial forest land.

(3) Shoreline areas which are free from extensive development.

(4) Shoreline historic areas.

(5) Shoreline area of high scenic value.

(6) Shoreline areas used for low intensity agricultural uses such as range lands and pastures.

(7) Shoreline areas which are designated agricultural lands pursuant to Ordinance 3064.

(8) Areas which play an important part in maintaining the ecological balance of the region such as:

(a) Areas rich in quality and quantity of life forms.

(b) Areas important to the maintenance of the natural quality and flow of the water.

(c) Marshes, bogs and swamps.

(d) Class I beaches.

(e) White water rapids and waterfalls.

(f) Virgin timber stands.

(g) Wilderness areas.

SECTION 603. GENERAL REQUIREMENTS. (1) Non-water related, water

related and residential development shall not be permitted waterward of the ordinary high water mark.

(2) Except in those cases when the height requirements of the underlying zone are more restrictive, no structure except agricultural structures may exceed a height of thirty-five feet above average grade level.

(3) All development shall be required to provide adequate surface water retention and sedimentation facilities during the construction period.

(4) Development shall maintain the first fifty (50) feet of property abutting a Natural Environment as required open space.

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1 (5) Parking facilities except parking facilities associated with detached single
 2 family and agricultural development shall maintain a shoreline setback of one-
 3 hundred (100) feet from the ordinary high water mark and retain existing vegetation
 4 or be planted in conformance with the landscape standards enumerated in the
 5 General Requirements (Section 403) of the Urban Environment.

6 (6) Collection facilities to control and separate contaminants shall be required
 7 where storm water runoff from impervious surfaces would materially degrade
 8 or add to the pollution of recipient waters or adjacent properties.

9 (7) The regulations of this Chapter have been categorized in a number of
 10 sections; regardless of the categorization of the various regulations, all develop-
 11 ment must comply with all applicable regulations.

12 (8) Development proposed in shorelines of the state shall maintain setbacks,
 13 provide easements or otherwise develop the site to permit a trail to be constructed
 14 or public access to continue where:

15 (a) there is a proposed trail in the King County Trail System, or

16 (b) part of the site is presently being used and has historically
 17 been used for public access.

18 (9) Along shorelines of the state on Lake Sammamish no building shall
 19 be placed on lands below thirty-two and one-half (32.5) feet Mean Sea Level.

20 SECTION 604. AGRICULTURAL PRACTICES. Agricultural practices may be
 21 permitted in the Conservancy Environment subject to the agricultural provisions
 22 (Section 404) of the Urban Environment.

23 SECTION 605. AQUATIC RESOURCE PRACTICES. Aquatic Resource practices
 24 may be permitted in the Conservancy Environment subject to the Aquatic Resource
 25 provisions (Section 405) of the Urban Environment, except that mechanical harvesting
 26 of shellfish shall not be permitted.

27 SECTION 606. FOREST MANAGEMENT PRACTICES. Forest Management
 28 Practices may be permitted in the Conservancy Environment subject to the Forest
 29 Management Practices provisions (Section 506) of the Rural Environment.

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1 SECTION 607. COMMERCIAL DEVELOPMENT. Commercial development shall
2 not be permitted in the Conservancy Environment.

3 SECTION 608. SIGNS. Signs, except educational signs of no more than 25
4 square feet erected within recreational developments and signs as permitted by
5 KCC 21.08.030(8) , are not permitted in the Conservancy Environment.

6 SECTION 609. RESIDENTIAL DEVELOPMENT. (1) Multi-family development
7 is prohibited in the Conservancy Environment, except that the clustering of dwell-
8 ing units into multi-family development may be permitted to avoid development of
9 sensitive or hazardous areas such as marshes, swamps, bogs, floodplains, or
10 steep or unstable slopes, provided that the density standards enumerated in
11 Section 610 shall not be exceeded. This provision is not intended to promote
12 intensive development in the Conservancy Environment. The intent of this pro-
13 vision is to permit development which would have less adverse impact on sensitive
14 or hazardous areas than traditional lot by lot development..

15 (2) Single-family residential development may be permitted in the Conservancy
16 Environment subject to the General Requirements of this Chapter and the single
17 family provisions (Section 409) of the Urban Environment, provided; single-family
18 development shall maintain a shoreline setback of fifty (50) feet from the ordinary
19 high water mark or from the upland edge of the floodway or from the edge of areas
20 of steep slopes, slide hazard or unstable soils, whichever is greater.

21 (3) Any pier, moorage, float or launching facility permitted accessory to
22 single family development or common use facility accessory to subdivision, short
23 subdivision or planned unit development in the Conservancy Environment shall
24 be subject to the pier, moorage, float and launching facility provisions (Section
25 409) of the Urban Environment, provided; no such authorized structure shall be
26 located within 200 feet of any other such structure.

27 SECTION 610. SUBDIVISION. The lot standards enumerated in this sub-
28 section apply to any lot which has buildable area within the shorelines of the state.
29 Buildable area means that area of the lot, exclusive of any required open space,
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1 yards or setbacks upon which a structure may be constructed. (1) The minimum
2 required lot area in the Conservancy Environment shall be five acres, provided
3 however; the minimum lot area may be reduced to 40,000 square feet when:

4 (a) all lots are part of an approved subdivision or short subdivision,

5 (b) all lots are served by an approved sewage disposal system,

6 (c) all lots are served by public water,

7 (d) all lots have a minimum width of 150 feet,

8 (e) the base units per acre for that portion of a site under Shoreline
9 Management jurisdiction in this case for a planned unit development or multi-family
10 development shall be one.

11 (2) Any lot located wholly or partially within the shorelines of the state
12 shall be considered a legal building site, provided that such lot(s) shall be
13 subject to the substandard lot provisions of KCC 21.48.

14 (3) Submerged land within the boundaries of any waterfront parcel shall not
15 be used to compute lot area, lot dimensions, yards, open space or other similar
16 required conditions of land subdivisions or development, except where specifically
17 authorized by ordinance, such land may be used in area computations as an
18 incentive to encourage common open space waterfront areas.

19 (4) The foregoing lot area and width standards may be further reduced in
20 direct proportion to the amount of usable area dedicated as common open space
21 within the shorelines of the state as long as the net density remains the same. The
22 common open space shall provide physical access to the ordinary high water mark
23 for the residents of an approved subdivision, short subdivision or planned unit
24 development provided that in no case may the lot standards be reduced below the lot
25 standards required by Title 21 (The Zoning Code) for the zone classification
26 in which the lot(s) is (are) located.

27 (5) The lot averaging provisions of KCC 21.08 shall not apply to any
28 lot wholly or partially within the shoreline.

29 SECTION 611. UTILITIES. Utility facilities may be permitted in the Conservancy
30 Environment subject to the General Requirements (Section 603) of this Chapter and
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1 the Utility provisions (Section 411) of the Urban Environment.

2 SECTION 612. INDUSTRIAL DEVELOPMENT. Industrial development shall
3 not be permitted in the Conservancy Environment.

4 SECTION 613. SHORELINE PROTECTION. (1) Shoreline Protection may be
5 permitted in the Conservancy Environment only to protect:

- 6 (1) public improvements
- 7 (2) Class II or III soils or, lands in agricultural use
- 8 (3) legally constructed residences
- 9 (4) legally constructed substantial accessory structures

10 (2) Breakwaters shall not be permitted.

11 SECTION 614. FILLING AND EXCAVATION. Filling and excavation may be
12 permitted in the Conservancy Environment, subject to the filling and excavation
13 provisions (Section 414) of the Urban Environment provided: (1) fill or excavation
14 below the ordinary water mark shall be permitted only to mitigate conditions which
15 endanger public safety or fisheries resources.

16 (2) Channelizing, straightening or relocating rivers or streams shall not be
17 permitted.

18 (3) Excavation of marshes, swamps or bogs shall not be permitted.

19 SECTION 615. RECREATION. Recreational development may be permitted
20 in the Conservancy Environment subject to the General Requirements of this
21 Chapter (Section 603) and the Recreation provisions (Section 415) of the Urban
22 Environment provided;

23 (1) The recreational development will not require any significant filling,
24 excavation or regrading involving more than twenty-five percent of that portion
25 of the site within the shorelines of the state.

26 (2) The construction of indoor swimming pools, gyms and other indoor
27 recreational facilities is prohibited.

28 (3) Piers, moorages, floats or launching facilities constructed in conjunction
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1 with Recreational Development shall not be:

2 (a) longer than 120 feet, or

3 (b) larger than 1350 square feet in surface area.

4 CHAPTER VII. NATURAL ENVIRONMENT.

5 SECTION 701. PURPOSE. The purpose of designating the Natural Environment
6 is to preserve and restore those natural resource systems existing relatively free
7 of human influence. These systems require severe restrictions of intensities and
8 types of uses permitted so as to maintain the integrity of the Natural Environment.

9 SECTION 702. DESIGNATION CRITERIA.

10 (1) A shoreline area that provides food, water or cover and protection for
11 any rare, endangered or diminishing species;

12 (2) A seasonal haven for concentrations of native animals, fish or fowl,
13 such as a migration route, breeding site or spawning site.

14 (3) Shoreline areas considered to best represent the basic ecosystem and
15 geologic types which are of particular scientific interest.

16 (4) Shorelines areas which best represent undisturbed natural areas.

17 (5) Shoreline areas with established histories of scientific research.

18 (6) Those shoreline areas having an outstanding or unique scenic feature in
19 their natural state.

20 (7) Shoreline areas having a high value for wilderness experience.

21 (8) In addition to the above criteria, the following should be considered
22 when designating Natural Environments:

23 (a) Areas where human influence and development are minimal.

24 (b) Areas capable of easily being restored to a natural condition.

25 (c) Saltwater marshes, bogs and swamps.

26 (d) Class I beaches.

27 (e) White water rapids and waterfalls.

28 (f) Virgin timber stands.

29 (g) Wilderness areas.

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2 SECTION 703. GENERAL REQUIREMENTS. (1) Non-water related, water
3 related and residential development shall not be permitted waterward of the
4 ordinary high water mark.

5 (2) No structure shall exceed a height of thirty feet;

6 (3) All development shall be required to provide adequate surface water
7 retention and sedimentation facilities during the construction period.

8 (4) Collection facilities to control and separate contaminants shall be required
9 where storm water run-off from impervious surfaces would materially degrade
10 or add to the pollution of recipient waters or adjacent properties.

11 (5) Parking areas must maintain a shoreline setback of two-hundred feet
12 from the ordinary high water mark and retain existing vegetation or be planted
13 to conform to the landscape standards enumerated in the General Requirements
14 (Section 403) of the Urban Environment.

15 SECTION 704. AGRICULTURAL PRACTICES. Agricultural Practices shall
16 not be permitted in the Natural Environment.

17 SECTION 705. AQUATIC RESOURCE PRACTICES. Aquatic Resource Practices
18 shall not be permitted in the Natural Environment.

19 SECTION 706. FOREST MANAGEMENT PRACTICES. Forest Management
20 Practices shall not be permitted in the Natural Environment.

21 SECTION 707. COMMERCIAL DEVELOPMENT. Commercial Development shall
22 not be permitted in the Natural Environment.

23 SECTION 708. SIGNS. Signs, except educational signs of no more than 25
24 square feet within recreational developments and signs which are permitted by
25 KCC 21.08.030(8), are not permitted in the Natural Environment.

26 SECTION 709. RESIDENTIAL DEVELOPMENT. (1) Multi-family and accessory
27 development is prohibited in the Natural Environment.

28 (2) Single-family residential development may be permitted in the Natural
29 Environment subject to the General Requirements (Section 703) of this Chapter and
30 the single family provisions (Section 409) of the Urban Environment, provided;
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1 single family residences shall maintain a shoreline setback of one hundred
2 feet from the ordinary high water mark or from the upland edge of the
3 floodway or from the edge of areas of steep slopes, slide hazard or unstable soils,
4 whichever is greater.

5 (3) Piers, moorages, floats or launching facilities accessory to single
6 family development shall not be permitted in the Natural Environment.

7 SECTION 710. SUBDIVISION. (1) The minimum required area in the Natural
8 Environment shall be five acres.

9 (2) The minimum required lot width in the Natural Environment shall be
10 three hundred thirty feet.

11 (3) Any lot located wholly or partially within the shorelines of the state
12 shall be considered a legal building site, provided that such lot(s) shall be
13 subject to the substandard lot provisions of KCC 21.48.

14 (4) Submerged land within the boundaries of any waterfront parcel shall
15 not be used to compute lot area, lot dimensions, yards, open space or other
16 required conditions of land subdivision or development, except, where
17 specifically authorized by ordinance, such lands may be used in area computa-
18 tions as an incentive to encourage common open space waterfront areas.

19 SECTION 711. UTILITIES. Utility facilities may be permitted in the Natural
20 Environment subject to the General Requirements (Section 703) of this Chapter
21 and the Utility Requirements (Section 411) of the Urban Environment.

22 SECTION 712. INDUSTRIAL DEVELOPMENT. Industrial Development shall
23 not be permitted in the Natural Environment.

24 SECTION 713. SHORELINE PROTECTION. Shoreline Protection shall not be
25 permitted in the Natural Environment.

26 SECTION 714. FILLING AND EXCAVATION. Filling and excavation may
27 be permitted in the natural environment subject to the filling and excavation pro-
28 visions (Section 414) of the Urban Environment, provided: (1) fill or excavation
29 below the ordinary high water mark shall be permitted only to mitigate conditions
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1 which endanger public safety or fisheries resources;

2 (2) Fill or excavation above the ordinary high water mark shall be permitted
3 only to the extent permitted and necessary to construct development allowed
4 in the Natural Environment.

5 (3) Channelizing, straightening or relocating rivers or streams shall not
6 be permitted.

7 (4) Excavation of marshes, swamps or bogs shall not be permitted.

8 SECTION 715. RECREATION. Recreational Development may be permitted
9 in the Natural Environment subject to the General Requirements (Section 703)
10 of this Chapter, provided;

11 (1) The recreational development will not require any significant filling,
12 excavation or regrading involving more than fifteen percent of that portion of
13 the site within the shorelines of the state,

14 (2) The construction of indoor swimming pools, gyms and other indoor
15 recreational facilities is prohibited.

16 (3) Piers, moorages, floats or launching facilities constructed in conjunction
17 with recreational development shall not be permitted, except that floating
18 walkways or other similar over water pedestrian structures facilitating access
19 to observation points or viewing areas may be permitted.

20 CHAPTER VIII. PROCEDURES.

21 SECTION 801. SUBSTANTIAL DEVELOPMENT - PERMIT REQUIRED
22 EXEMPTION.

23 (1) No development shall be undertaken by any person on the shorelines
24 of the state unless such development is consistent with the policy of Section 2
25 of the Shoreline Management Act of 1971, and, after adoption and approval, the
26 guidelines and regulations of the Washington State Department of Ecology and
27 the King County Shoreline Master Program.

28 (2) No substantial development shall be undertaken by any person on the
29 shorelines of the state without first obtaining a substantial development permit
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1 from the director; provided, that such a permit shall not be required for the
2 development excepted from the definition of substantial development in RCW
3 90.58.030 and for developments exempted by RCW 90.58.140(9) and (10).

4 (3) Any person claiming exemption from the permit requirements of this
5 chapter as a result of the exemptions described in subsection (2) above may
6 make an application to the director for such an exemption in the manner pre-
7 scribed by the director. Development within the shorelines of the state which
8 does not require a permit shall conform to the master program. Conditions
9 requiring such conformance may be imposed prior to granting exemption from
10 the permit requirement.

11 SECTION 802. PERMITS - PREREQUISITE TO OTHER PERMITS. In the case
12 of development subject to the permit requirements of this Title, King County
13 shall not issue any other permit for such development until such time as approval
14 has been granted pursuant to this Title. Any development subsequently
15 authorized by King County shall be subject to the same terms and conditions
16 which apply to the development authorized pursuant to this Title.

17 SECTION 803. PERMITS - APPLICATION - FEE - NOTICE - BURDEN
18 OF PROOF OF COMPLIANCE. (1) Applications for substantial development permits,
19 on forms prescribed by the director, shall be made with the director by the
20 property owner, or by an authorized agent of the owner.

21 (2) A fee in the amount of one hundred dollars shall be paid at the time an
22 application is submitted for proposed development with an estimated total cost of
23 less than one hundred thousand dollars. A fee in the amount of two hundred fifty
24 dollars shall be paid for proposed development with an estimated total cost of one
25 hundred thousand dollars or more. A fee in the amount of one hundred dollars shall
26 be paid upon request for an extension of a permit. Provided, no fee shall be re-
27 quired for King County sponsored projects.

28 (3) Upon receipt of proper application, the director shall instruct the applicant
29 to publish notices of the application at least once a week on the same day of the
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1 week for two consecutive weeks in a newspaper of general circulation within the
2 County. The director may also require publication through other appropriate
3 newspapers and information media. Within thirty days of the last publication
4 of such notice (as used hereinafter, this term shall mean the last publication
5 of such notice in the newspaper of general circulation within the county), any
6 interested person may submit their views on the application in writing or may
7 notify the director of their desire to be notified of the action taken by the director.
8 All published notices of applications shall be in a form satisfactory to the director.
9 Notices of application shall not be published prior to the actual submission of
10 the application to the director. Affidavits of publication shall be transmitted
11 to the director within seven days of their final publication. In addition, notice
12 of the application for a shoreline development management substantial develop-
13 ment permit shall be given as follows:

14 (a) the department will notify by mail the owners of property within
15 three hundred feet (300) of the project site.

16 (b) for utility lines, linear recreation facilities such as trails and
17 other developments of unusual size or configuration, the department may
18 substitute other appropriate notification for the method set forth above.

19 (4) The burden of proving that the proposed development is consistent with
20 the criteria set forth in Sections 103 and 801 of this Title shall be on the applicant.

21 SECTION 804. VARIANCE. (1) The Director is authorized to grant a
22 variance from the performance standards of this master program only under the
23 conditions enumerated WAC 173-14-150 (REVIEW CRITERIA FOR VARIANCES).

24 (2) A Variance from county zoning code requirements shall not be construed to
25 mean a variance from shoreline master program use regulations and vice versa.

26 (3) Shoreline Variances may not be used to permit a use that is specifically
27 prohibited in an Environment Designation.

28 (4) The burden of proving that a proposed variance meets these conditions
29 shall be on the applicant; absence of such proof shall be grounds for denial of
30

1 the application.

2 SECTION 805. CONDITIONAL USE. (1) The director is authorized to issue
3 shoreline conditional use permits only under the following circumstances:

4 (a) the development must be compatible with uses which are per-
5 mitted within the master program environment in which the development is
6 proposed.

7 (b) the use will cause no unreasonable adverse effects on the
8 shoreline or surrounding properties and uses.

9 (c) the use will promote or not interfere with public use of
10 surface waters.

11 (d) the development of the site will not be contrary to the policies
12 of the master program.

13 (2) The burden of proving that a proposed shoreline conditional use meets
14 the criteria enumerated in subsection (1) of this section shall be on the applicant.
15 Absence of such proof shall be grounds for denial of the application; PROVIDED,
16 however, that the director is authorized to determine and impose, on a case-by-
17 case basis those conditions and standards which may be required to enable
18 any proposed shoreline conditional use to satisfy the criteria established in
19 subsection (1) of this section.

20 SECTION 806. ALTERATION OF NON-CONFORMING USE OR DEVELOPMENT.

21 (1) Applications for substantial development or building permits to modify
22 a non-conforming use or development may be approved only if:

23 (a) The modifications will make the use or development less non-
24 conforming, or

25 (b) The modifications will not make the use or development more
26 non-conforming.

27 (2) The review of applications for the modification of a non-conforming use
28 or development shall be subject to the guidelines enumerated in KCC 21.51
29 (Non-conforming Buildings and Uses).

SECTION 807. PERMITS - PUBLIC HEARING - DIRECTOR'S DECISION.

(1) Decisions on applications for substantial development permits shall not be made until at least one public hearing has been held if:

(a) a public hearing before either the Zoning Adjustor or Zoning and Subdivision Examiner is required by County law, or

(b) the director determines that the proposed development is one of broad public significance within fifteen days of the date of the notice pursuant to subsection 803(a) or 803(3)(b). Broad public significance shall be assumed if there exists an organized group in opposition with more than fifty (50) participants.

(2) The public hearing required under subsection (1) herein shall be conducted by the director, except that the director's hearing may be conducted in accordance with Section 808.

(3) If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the director may before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

(4) When the director renders a decision, he shall make and enter written findings from the record and conclusions thereof which support his decision and the findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in Sections 103 and 801 of this Title.

(5) The director shall have the power to prescribe rules and regulations for the conduct of hearings before him; and also to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the director.

(6) The decision of the director shall be the final decision of the county on all applications and the director shall render a written decision and transmit copies of his decision to the persons who are required to receive copies of the decision pursuant to Section 809 of this Chapter.

SECTION 808. COMBINED HEARING AUTHORITY. (1) In those cases when

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1 proposed development under the jurisdiction of this Title also requires a public
 2 hearing before either the Zoning Adjustor or the Hearing Examiner, the Adjustor
 3 or the Examiner may, pursuant to agreement between the director and the Adjustor
 4 or Examiner, act as the director for the purposes of the public hearing and decision
 5 provided for in Section 807. Acting as the director, the Adjustor or Examiner shall
 6 conduct a public hearing to receive evidence relating to the issuance of a
 7 Substantial Development Permit or exemption therefrom, a Shoreline Management
 8 Conditional Use Permit and/or a Shoreline Management Variance.

9 (2) The Adjustor or Examiner shall conduct the hearing in accordance with
 10 the provisions of Section 807 and shall exercise the powers therein.

11 (3) The decision of the Adjustor or Examiner shall be the decision of the
 12 director and shall be the final decision of the County with regard to Shoreline
 13 Management.

14 SECTION 809. PERMITS - APPROVAL OR DISAPPROVAL - NOTIFICATION -
 15 ADDITIONAL CONDITIONS - LIMITATIONS. (1) The director shall notify the
 16 following persons in writing of his final approval, disapproval or conditional
 17 approval of a substantial development permit application within five days of his
 18 final decision:

- 19 (a) the applicant
- 20 (b) the Washington State Department of Ecology;
- 21 (c) the Washington State Attorney General;
- 22 (d) any person who has submitted to the director written comments
 23 on the application;
- 24 (e) any person requesting notification prior to permit action.

25 (2) In granting or extending a permit, the director may attach thereto such
 26 conditions, modifications and restrictions regarding the location, character and
 27 other features of the proposed development and related development and activity
 28 outside of the shoreline as he finds necessary to make the permit compatible with
 29 the criteria set forth in Sections 103 and 801 of this Title. Such conditions may
 30 include requirement to post a performance bond assuring compliance with permit
 31 requirements, terms and conditions.

1 (3) Issuance of substantial development permit does not constitute approval
2 pursuant to any other federal, state or county laws or regulations.

3 SECTION 810. APPEALS. (1) Appeals from the final decision of the County
4 with regard to Shoreline Management shall be governed solely by the provisions
5 of RCW 90.58.180.

6 (2) The effective date of King County's decision shall be the date of filing
7 with the Department of Ecology as defined in RCW 90.58.140.

8 (3) When a hearing and decision has occurred pursuant to Section 808 of this
9 chapter and the Examiner's recommendation with regard to disposition of a proposed
10 development pursuant to Titles 19, 20 and 21 of this Code requires King County
11 Council action, the final decision of the County pursuant to this Title shall be
12 effective on the date of filing as defined in RCW 90.58.140 for the purposes of
13 appeal as provided in RCW 90.50.140. However, no development may occur until
14 the King County Council has taken final action on the Examiner's recommendation
15 required by Titles 19, 20 and/or 21 of this Code.

16 SECTION 811. RULES OF DIRECTOR. The director is authorized to
17 adopt such rules as are necessary and appropriate to implement this chapter. The
18 director may prepare and require the use of such forms as are necessary to its
19 administration.

20 SECTION 812. ENFORCEMENT. (1) The director is authorized to enforce
21 the provisions of this Title, the ordinances and resolutions codified in it,
22 and any rules and regulations promulgated thereunder pursuant to the enforce-
23 ment and penalty provisions of Title 23.

24 (2) Any person found to have willfully engaged in activities on the shorelines
25 of the state in violation of this Title or the Shoreline Management Act of 1971
26 or in violation of the master program, rules or regulations adopted pursuant
27 thereto is guilty of a gross misdemeanor, and shall be punished by a fine of not less
28 than twenty-five dollars nor more than one thousand dollars, or by imprisonment
29 in the county jail for not more than ninety days, or by both fines and imprisonment;
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1 provided that the fine for the third and all subsequent violations in any five-year
2 period shall be not less than five hundred dollars nor more than ten thousand
3 dollars.

4 (3) The King County prosecuting attorney shall bring such injunctive,
5 declaratory, or other actions as are necessary to insure that no uses are made of
6 the shorelines of the state in conflict with the provisions of this Title or the
7 Shoreline Management Act of 1971 or in conflict with the master program, rules
8 or regulations adopted pursuant thereto, and to otherwise enforce the provisions
9 of this chapter and the Shoreline Management Act of 1971.

10 (4) Any person subject to the regulatory provisions of this Title who violates
11 any provision of this Title or the provisions of a permit issued pursuant thereto
12 shall be liable for all damage to public or private property arising from such
13 violation, including the cost of restoring the affected area, within a reasonable
14 time, to its condition prior to such violation. The King County prosecuting
15 attorney shall bring suit for damages under this subsection on behalf of the
16 county. Private persons shall have the right to bring suit for damages under
17 this subsection on their own behalf and on behalf of all persons similarly
18 situated. The court on its discretion may award attorney's fees and costs
19 of the suit to the prevailing party.

20 SECTION 813. SHORELINE ENVIRONMENT REDESIGNATION. (1) Shoreline
21 environments designated by the Master Program may be redesignated by the County
22 Council upon finding that such a redesignation will be consistent with:

23 (a) the policy of Section 2 of the Shoreline Management Act of 1971; and
24 (b) the goals, objectives and policies of the Master Program; and
25 (c) the designation criteria of the Shoreline Environment Designa-
26 tion requested.

27 (2) Application for redesignation shall be made on forms and in a manner
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1 prescribed by the Director.

2 (3) Upon the filing of an application for a shoreline environment redesignation
3 a fee of one hundred twenty five dollars (\$125) shall be paid.

4 (4) Redesignations may be initiated by:

5 (a) the verified application of the owner(s) of the property requested
6 to be redesignated; or

7 (b) the adoption of a motion by the council requesting the Executive
8 to set the matter for hearing and recommendation.

9 (5) Applications for redesignation shall not be accepted by the Department if
10 a request for redesignation involving the same designation for substantially the
11 same property has been denied within the last year.

12 (6) Upon receipt of a properly filed application for redesignation the Depart-
13 ment shall prepare a report to the Zoning and Subdivision Examiner.

14 (7) The report and recommendation of the Department shall be forwarded
15 to the Zoning and Subdivision Examiner for consideration together with all
16 relevant testimony at a public hearing to be held consistent with the procedures
17 for a zone reclassification as provided in KCC 20.24.

18 SECTION 814. REPEALER. Sections 1,2 and 3, Ordinance 2901 and KCC
19 20.12.160; Sections 1,2,3,5,6,7,8,9,10,11,14,15 and 16, Ordinance 1402 and
20 Section 1, Ordinance 2535 and Sections 1,2,3,4,5,7,8,9,10,11 and 13,
21 Ordinance 2795 and Section 4(part), Ordinance 2910 and 20.40.010, 20.40.020,
22 20.40.030, 20.40.050, 20.40.060, 20.40.070, 20.40.080, 20.40.090, 20.40.100,
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1 20.40.140, 20.40.145, 20.40.150, 20.40.160 and 20.40.170 are each hereby
2 repealed.

3 INTRODUCED AND READ for the first time this 23rd day
4 of January, 1978.

5 PASSED this 1st day of May, 1978.

6 KING COUNTY COUNCIL
7 KING COUNTY, WASHINGTON

8 Bernie Stern
9 Chairman

10 ATTEST:

11 Dorothy M. Quinn DEPUTY
12 Clerk of the Council

13 APPROVED this 2d day of May, 1978.

14 [Signature]
15 King County Executive

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