

9/14/81

Introduced by: Gary Grant

Proposed Ordinance No. 81 - 377

ORDINANCE NO. 5734

AN ORDINANCE relating to Shoreline Management, revising section on shoreline setbacks, shoreline protection, excavation, dredging and filling, shoreline permit fees, nonconforming uses, and amending Ordinance 3688, Section 409(1), 409(2), 409(6), 413, 414, 509, 514, 609, 613, 614, 709, 714, 803, 806, 809, 813, Ordinance 5061, Sections 4, 5, and K.C.C. 25.16.090, 25.16.100, 25.16.140, 25.16.180, 25.16.190, 25.20.090, 25.20.140, 25.24.090, 25.24.130, 25.24.140, 25.28.090, 25.28.140, 25.32.030, 25.32.040, 25.32.060, 25.32.130, and adding definitions to KCC 25.08.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Definitions. There are added four new definitions to KCC Chapter 25.08.

A. DREDGING. "Dredging" is the removal, displacement, and/or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands; maintenance dredging and/or support activities are included in this definition.

B. END HAUL CONSTRUCTION. "End haul construction" means the transportation of excess excavation material along the road surface to construct a road of balanced volumes of cut and fill.

C. STRINGER BRIDGE. A "stringer bridge" is a bridge constructed of lengths of timber supporting a number of smaller transverse members.

D. MANAGER. "Manager" means the manager of the Building and Land Development Division or his authorized designee.

SECTION 2. Ordinance 3688, Section 409(1) and KCC 25.16.090 are hereby amended to read as follows:

Residential Development - Multifamily. Multifamily residential development may be permitted in the urban environment subject to the general requirements (~~(Section)~~) of

1 KCC 25.16.030(~~() of this chapter~~)), provided:

2 ~~((a))~~ A. Multifamily development is permitted in the
3 underlying zone;

4 ~~((b))~~ B. Multifamily residential development shall not be
5 permitted waterward of the ordinary high water mark;

6 ~~((c))--Multifamily development shall maintain a shoreline
7 setback of fifty (50) feet from either the ordinary high water
8 mark or from the upland edge of the floodway or from the upland
9 edge of areas of steep slope, slide hazard or unstable soils,
10 whichever is greater.~~)

11 ~~((e))~~ C. Setbacks. Multifamily residential development
12 shall maintain a minimum setback of fifty feet from the ordinary
13 high water mark, except that:

14 1. If the minimum setback from the ordinary high water
15 mark of a river or stream falls within the floodway, the
16 development shall be required to locate past the upland edge of
17 the floodway,

18 2. If development is proposed on shorelines, including
19 one or more sensitive areas, as defined in K.C.C 21.04, such
20 development shall be done in accordance with regulations and
21 procedures set forth in K.C.C 21.54.140 - 21.54.180,

22 SECTION 3. Ordinance 5061, Section 4, Ordinance 3688,
23 Section 409(2), and KCC 25.16.100 are each hereby amended to
24 read as follows:

25 Residential Development - Single Family. Single-family
26 residential development may be permitted in the urban
27 environment subject to the general requirements ~~((Section))~~ of
28 K.C.C. 25.16.030 (~~(-of this chapter)~~)), provided:

29 ~~((a))~~ A. Single-family development is permitted in the
30 underlying zone classification;

31 ~~((b))~~ B. Single-family development, including floating
32 homes, shall not be permitted waterward of the ordinary high
33 water mark;

1 ~~((e) single-family-development-shall-maintain-a-shoreline-~~
 2 ~~setback-of-twenty-(20)-feet-from-either-the-ordinary-high-water-~~
 3 ~~mark-or-from-the-upland-edge-of-the-floodway-or-from-the-upland~~
 4 ~~edge-of-areas-of-steep-slope,-slide-hazard-or-unstable-soils,~~
 5 ~~whichever-is-greater.))~~

6 C. Setbacks. Single-family residential development shall
 7 maintain a minimum setback of twenty feet from the ordinary high
 8 water mark, except that:

9 1. If the minimum setback from the ordinary high water
 10 mark of a river or stream falls within the floodway, the
 11 development shall be required to locate past the upland edge of
 12 the floodway,

13 2. If development is proposed on shorelines, including
 14 one or more sensitive areas, as defined in K.C.C. 21.04, such
 15 development shall be done in accordance with regulations and
 16 procedures set forth in K.C.C. 21.54.140 through 21.54.180,

17 ~~((d))~~ D. A farmhouse permitted under ~~((Section))~~ K.C.C.
 18 21.54.050 shall be exempt from the setback requirements of this
 19 Section.

20 SECTION 4. Ordinance 3688, Section 409(6) and KCC 25.16.140
 21 are each hereby amended to read as follows:

22 Residential Development - Piers, Moorages, ~~((and))~~ or
 23 Launching Facilities - Accessory to single-family residences.

24 Piers, moorages, floats ~~((and))~~ or launching facilities may
 25 be permitted accessory to a single-family residence, provided:

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

32 ~~((1))~~ 1. Commercial or marina moorage,

33 ~~((2))~~ 2. Floating moorage buoys,

1 (~~(3)~~) 3. Joint use moorage pier;

2 (~~(b)~~) B. No more than one pier for each residence is
3 permitted;

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

9 (~~(d)~~) D. The maximum waterward intrusion of any portion
10 of any pier shall be eighty feet, or the point where the water
11 depth is thirteen feet below the ordinary high water mark,
12 whichever is reached first;

13 (~~(e)~~) E. The total surface area of piers, moorages,
14 floats and/or launching facilities, or any combination thereof,
15 shall not exceed six-hundred square feet, provided that, no
16 float shall have more than one-hundred-fifty square feet of
17 surface area;

18 (~~(f)~~) F. Moorage piles are limited by the following
19 conditions:

20 (~~(1)~~) 1. All piles shall be placed so as to not
21 constitute a hazard to navigation,

22 (~~(2)~~) 2. No pile shall be placed more than eighty feet
23 waterward of the ordinary high water mark,

24 (~~(3)~~) 3. All moorages piles shall be placed in a water
25 depth not to exceed thirteen feet below the ordinary high water
26 mark,

27 (~~(4)~~) 4. No more than two moorage piles per residence
28 are permitted;

29 (~~(g)~~) G. Launching ramps and lift stations are limited
30 by the following conditions:

31 (~~(1)~~) 1. No portion of a launching ramp or lift station
32 shall be placed more than sixty feet waterward of the ordinary
33 high water mark;

1 ~~((2))~~ 2. All portions of a launching ramp or lift
2 station shall be placed at a depth not to exceed eight feet
3 below the ordinary high water mark,

4 ~~((3))~~ 3. Launching rails shall be anchored to the
5 ground with the use of tie-type construction. Asphalt or
6 concrete ramps or other ramps which solidly cover the water-body
7 bottom are not permitted,

8 ~~((4))~~ 4. No more than one launching rail per
9 single-family residence is permitted;

10 ~~((h))~~ H. Floats are limited by the following conditions:

11 ~~((1))~~ 1. One float per residence is permitted,

12 ~~((2))~~ 2. No portion of a float shall be placed more
13 than eighty feet waterward of the ordinary high water mark,

14 ~~((3))~~ 3. Retrieval lines shall not float at or near the
15 surface of the water,

16 ~~((4))~~ 4. No float shall have more than one-hundred-fifty
17 square feet of surface area;

18 ~~((i))~~ I. Excavated moorage slips are limited by the
19 following conditions:

20 ~~((1))~~ 1. One moorage slip per residence is permitted,

21 ~~((2))~~ 2. No moorage slip shall be excavated more than
22 six feet below the ordinary high water mark,

23 ~~((3))~~ 3. No moorage slip shall have more than
24 five-hundred-twenty-five square feet of surface area as measured
25 from the tops of the banks and the ordinary high water mark;

26 ~~((j))~~ J. A residence may have either a pier or an
27 excavated moorage slip, but not both;

28 K. No excavated moorage slips shall be permitted on the
29 Sammamish River.

30 SECTION 5. Ordinance 3688, Section 413 and KCC 25.16.180
31 are each hereby amended to read as follows:

32 Shoreline Protection. Shoreline protection may be permitted
33 in the urban environment, provided:

1 ((a)-Shoreline-protection-to-replace-existing
2 shoreline-protection-shall-not-be-located-farther-waterward-than-
3 the-shoreline-protection-it-is-replacing.))

4 A. Shoreline protection to replace existing shoreline
5 protection shall be placed along the same alignment as the
6 shoreline protection it is replacing, but may be placed
7 waterward directly abutting the old structure in cases where
8 removal of the old structure would result in construction
9 problems;

10 ((b)-On-lots-where-the-directly-abutting-lots-have
11 legally-established-shoreline-protection, shoreline-protection
12 may-be-installed-no-farther-waterward-than-is-necessary-to-tie
13 in-with-the-shoreline-protection-on-the-abutting-lots.))

14 B. On lots where the abutting lots on both sides have
15 legally established bulkheads, a bulkhead may be installed no
16 further waterward than the bulkheads on the abutting lots,
17 provided that the horizontal distance between existing bulkheads
18 on adjoining lots does not exceed one-hundred feet. The manager
19 may, upon review, permit a bulkhead to connect two directly
20 adjoining bulkheads, for a distance up to one-hundred-fifty
21 feet. In making such a determination the manager shall consider
22 the amount of inter-tidal land/or water bottom to be covered,
23 the existence of fish or shellfish resources thereon, and
24 whether the proposed use or structure could be accommodated by
25 other configurations of bulkhead which would result in less loss
26 of shoreland, tideland, or water bottom;

27 ((c)-A-bulkhead, the toe of which is located below the
28 ordinary-high-water-mark, may not be considered to be a normal
29 protective-bulkhead common to a single-family-residence-unless
30 it-is-replacing-an-existing-bulkhead-consistent-with-subsection
31 (a)-of-this-section-or-it-is-necessary-to-place-it-below-the-
32 ordinary-high-water-mark-consistent-with-subsection-(b)-of-this
33 section.))

1 C. In order for a proposed bulkhead to qualify for the RCW
2 90.58.030(3) (e) (iii) exemption from the shoreline permit
3 requirements and to insure that such bulkheads will be
4 consistent with this program as required by RCW 90.58.141(1),
5 the Building and Land Development Division shall review the
6 proposed design as it relates to local physical conditions and
7 the King County shoreline master program and must find that:

8 1. Erosion from waves or currents is imminently
9 threatening a legally established residence or one or more
10 substantial accessory structures, and

11 2. The proposed bulkhead is more consistent with the King
12 County shoreline master program in protecting the site and
13 adjoining shorelines than feasible, Non-structural alternatives
14 such as slope drainage systems, vegetative growth
15 stabilization, gravel berms and beach nourishment, are
16 not feasible or will not adequately protect a legally
17 established residence or substantial accessory structure, and

18 3. The proposed bulkhead is located landward of the
19 ordinary high water mark or it connects to adjacent, legally
20 established bulkheads as in subsection (B) above, and

21 4. The maximum height of the proposed bulkhead is no more
22 than one foot above the elevation of extreme high water on tidal
23 waters as determined by the National Ocean Survey published by
24 the National Oceanic and Atmospheric Administration or four feet
25 in height on lakes;

26 ~~((d))~~ D. Shoreline protection shall not be considered
27 an outright permitted use and shall be permitted only when it
28 has been demonstrated that shoreline protection is necessary for
29 the protection of existing legally established structures and
30 public improvements or the preservation of important
31 agricultural lands as designated by the Office of Agriculture;

32 ~~((e))~~ E. Shoreline protection shall not have adverse
33 impact on the property of others;

1 ((f)) F. Shoreline protection shall not be used to create
2 new lands, except that groins may be used to create a public
3 Class I beach if they comply with all other conditions of this
4 section;

5 ((g)) G. Shoreline protection shall not significantly
6 interfere with normal surface and/or subsurface drainage into
7 the water body;

8 ((h)) H. Automobile bodies or other junk or waste
9 material which may release undesirable material shall not be
10 used for shoreline protection;

11 ((i)) I. Shoreline protection shall be designed so as to
12 not constitute a hazard to navigation and to not substantially
13 interfere with visual access to the water;

14 ((j)) J. Shoreline protection shall be designed so as to
15 not create a need for shoreline protection elsewhere;

16 K. Bulkheads on Class I beaches shall be located no farther
17 waterward than the bluff or bank line;

18 L. Bulkheads must be approved by the Washington State
19 Department of Fisheries;

20 M. Bulkheads shall be constructed using an approved
21 filter cloth or other suitable means to allow passage of surface
22 and groundwater without internal erosion of fine material;

23 N. Groins are permitted only as part of a professionally
24 designed community or public beach management program.

25 SECTION 6. Ordinance 3688, Section 414 and KCC 25.16.190
26 are each hereby amended to read as follows:

27 ((Filling-and-Excavation)) Excavation, Dredging and
28 Filling. ((Filling-and-excavation)) Excavation, dredging and
29 filling may be permitted in the urban environment, only as part
30 of an approved overall development plan not as an independent
31 activity provided: ((a)) A. Any fill or excavation regardless
32 of size, shall be subject to the provisions of ((Section))
33 K.C.C. 16.82.100;

1 ~~((b))~~ B. Landfill may be permitted below the ordinary
2 high water mark only when necessary for the operation of a water
3 dependent or water related use, or when necessary to mitigate
4 conditions which endanger public safety;

5 ~~((e))~~ C. Landfill or excavations shall be permitted only
6 when technical information demonstrates water circulation,
7 littoral drift, aquatic life and water quality will not be
8 substantially impaired;

9 ~~((d))~~ D. Landfill or disposal of dredged material shall
10 be prohibited within the floodway;

11 ~~((e)-Landfill-shall-not-be-permitted-in-marshes,-bogs-
12 or-swamps-))~~

13 E. Wetlands such as marshes, swamps, and bogs shall not be
14 disturbed or altered through excavation, filling, dredging, or
15 disposal of dredged material unless the manager determines that
16 either:

17 1. The wetland does not serve any of the valuable
18 functions of wetlands identified in K.C.C. 20.12.080 and U.S.
19 Army Corps of Engineers 33 CFR 320.4(b), including but not
20 limited to wildlife habitat and natural drainage functions, or

21 2: The proposed development would preserve or enhance the
22 wildlife habitat, natural drainage, and/or other valuable
23 functions of wetlands as discussed in K.C.C. 20.12.080 or U.S.
24 Army Corps of Engineers 33 CFR 320.4(b) and would be consistent
25 with the purposes of this Title;

26 ~~((f))~~ F. Class I beaches shall not be covered by landfill
27 except for approved beach feeding programs;

28 G. Excavations on beaches shall include precautions to
29 prevent the migration of fine grain sediments, disturbed by the
30 excavation, onto adjacent beach areas and excavations on beaches
31 shall be backfilled promptly using material of similar
32 composition and similar or more coarse grain size;

33 ~~((g))~~ H. No refuse disposal sites, solid waste disposal

1 sites, or sanitary fills of putrescible or non-putrescible
2 material shall be permitted within the shorelines of the state;

3 ~~((h))~~ I. Excavation or dredging below the ordinary high
4 water mark shall be permitted only when necessary for the
5 operation of a water dependent or water related use, or when
6 necessary to mitigate conditions which endanger public safety or
7 fisheries resources; provided, that this paragraph shall not be
8 construed to permit the mining or quarrying of any substance
9 below the ordinary high water mark;

10 J. Disposal of dredged material shall be done only in
11 approved deep water disposal sites or approved contained upland
12 disposal sites;

13 K. Stockpiling of dredged material in or under water is
14 prohibited;

15 L. Maintenance dredging not requiring a shoreline permit(s)
16 shall conform to the requirements of this Section;

17 M. Dredging shall be timed so that it does not interfere
18 with aquatic life;

19 N. The County may impose reasonable conditions on dredging
20 or disposal operations including but not limited to working
21 seasons and provision of buffer strips, including retention or
22 replacement of existing vegetation, dikes, and settling basins
23 to protect the public safety and shore users' lawful interests
24 from unnecessary adverse impact;

25 O. In order to insure that operations involving dredged
26 material disposal and maintenance dredging are consistent with
27 this program as required by RCW 90.58.140(1), no dredging may
28 commence on shorelines without the responsible person having
29 first obtained either a substantial development permit or a
30 statement of exemption; PROVIDED, that no statement of exemption
31 or shoreline permit is required for emergency dredging needed to
32 protect property from imminent damage by the elements;

33 P. Operation and maintenance of any existing system of

1 ditches, canals, or drains, or construction of irrigation
 2 reservoirs, for agricultural purposes are exempt from the
 3 shoreline permit requirement.

4 SECTION 7. Ordinance 3688, Section 509 and KCC 25.20.090
 5 are hereby amended to read as follows:

6 Residential Development. ((a)) A. Multifamily residential
 7 development may be permitted in the rural environment subject to
 8 the general requirements ((Section)) of K.C.C. 25.20.030 ((-of
 9 ~~this-chapter~~)) and the residential provisions ((Sections)) of
 10 K.C.C. 25.16.090 through 25.16.140 ((-)) of the urban
 11 environment; provided, that multifamily development shall
 12 maintain ~~((a-shoreline-setback-of-seventy-five-feet-from-either-~~
 13 ~~the-ordinary-high-water-mark-or-from-the-upland-edge-of-the-~~
 14 ~~floodway-or-from-the-edge-of-areas-of-steep-slopes,-slide-hazard~~
 15 ~~or-unstable-soils,-whichever-is-greater-))~~ a minimum setback of
 16 seventy-five feet from the ordinary high water mark, except that:

17 1. If the minimum setback from the ordinary high water
 18 mark of a river or stream falls within the floodway, the
 19 development shall be required to locate past the upland edge of
 20 the floodway,

21 2. If development is proposed on shorelines, including
 22 one or more sensitive areas, as defined in K.C.C. 21.04 such
 23 development shall be done in accordance with regulations and
 24 procedures set forth in K.C.C. 21.54.140 through 21.54.180,

25 ((b)) B. Single-family residential development may be
 26 permitted in the rural environment subject to the general
 27 requirements ((Section)) of K.C.C. 25.20.030 ((-of-this
 28 ~~chapter~~)) and the residential provisions ((Sections)) of K.C.C.
 29 25.16.090 through 25.16.140 ((-)) of the urban environment.

30 ((c)) C. Any pier, moorage, float or launching facility
 31 permitted accessory to single or multifamily development or
 32 common use facility accessory to a subdivision, short
 33 subdivision or planned unit development in the rural environment

1 shall be subject to the residential pier, moorages, float or
2 launching facility provisions of the urban environment.

3 SECTION 8. Ordinance 3688, Section 514 and KCC 25.20.140
4 are each hereby amended to read as follows:

5 ~~((Filling-and-Excavation))~~ Excavation, Dredging and
6 Filling. ~~((Filling-and-excavation))~~ Excavation, dredging and
7 filling may be permitted in the rural environment subject to the
8 ~~((fill-and-excavation))~~ provisions of ~~((Section))~~ K.C.C.
9 25.16.190(()) of the urban environment provided: ~~((1))~~ A.
10 ~~((fill-or-excavation))~~ Excavation, dredging and filling below
11 the ordinary high water mark shall be permitted only to serve a
12 water dependent use or when necessary to mitigate conditions
13 which endanger public safety or fisheries resources;

14 ~~((2))~~ B. Channelizing, straightening or relocating rivers,
15 or streams shall not be permitted.

16 SECTION 9. Ordinance 5061, Section 5, Ordinance 3688,
17 Section 609, and KCC 25.24.090 are each hereby amended to read
18 as follows:

19 Residential Development. ~~((a))~~ A. Multifamily
20 development is prohibited in the conservancy environment, except
21 that the clustering of dwelling units into multifamily
22 development may be permitted to avoid development of sensitive
23 or hazardous areas such as marshes, swamps, bogs, floodplains,
24 or steep or unstable slopes; provided, that the density
25 standards enumerated in ~~((Section))~~ K.C.C. 25.24.100 shall not
26 be exceeded. This provision is not intended to promote
27 intensive development in the conservancy environment. The
28 intent of this provision is to permit development which would
29 have less adverse impact on sensitive or hazardous areas than
30 traditional lot by lot development.

31 ~~((b))~~ B. Single-family residential development may be
32 permitted in the conservancy environment subject to the general
33 requirements of this chapter and the single-family provisions

1 ((Sections)) K.C.C. 25.16.090 through 25.16.140(()) of the
 2 urban environment (()) . ((provided; single-family-development
 3 shall-maintain-a-shoreline-setback-of-fifty-feet-from-the
 4 ordinary-high-water-mark-of-from-the-upland-edge-of-the-floodway
 5 or-from-the-edge-of-areas-of-steep-slopes, slide-hazard-or
 6 unstable-soils, whichever-is-greater,--A-farmhouse-permitted
 7 under-Section-21.54.050-shall-be-exempt-from-the-setback
 8 requirements-of-this-section.)) Single-family residential
 9 development shall maintain a minimum setback of fifty feet from
 10 the ordinary high water mark, except that:

11 1. If the minimum setback from the ordinary high water
 12 mark of a river or stream falls within the floodway, the
 13 development shall be required to located past the upland edge of
 14 the floodway,

15 2. If development is proposed on shorelines, including
 16 one or more sensitive areas, as defined in K.C.C. 21.04, such
 17 development shall be done in accordance with regulations and
 18 procedures set forth in K.C.C 21.54.140 - 21.54.180,

19 3. A farmhouse permitted under K.C.C. 21.54.050 shall be
 20 exempt from the setback requirements of this section.

21 ((e)) C. Any pier, moorage, float or launching facility
 22 permitted accessory to single-family development or common use
 23 facility accessory to subdivision, short subdivision or planned
 24 unit development in the conservancy environment shall be subject
 25 to the pier, moorage, float and launching facility provisions
 26 ((Sections)) K.C.C. 25.16.090 through 25.16.140(()) of the
 27 urban environment; provided, no such authorized structure shall
 28 be located within two-hundred feet of any other such structure.

29 SECTION 10. Ordinance 3688, Section 613 and KCC 25.24.130
 30 are each hereby amended to read as follows:

31 Shoreline protection. ((a)-Shoreline-Protection-may-be
 32 permitted-in-Conservancy-Environment-only-to-protect:

33 (1)--public-improvements

1 ~~(2) -- Class II or III soils or, lands in agricultural use~~

2 ~~(3) -- legally constructed residences~~

3 ~~(4) -- legally constructed substantial accessory~~
4 structures))

5 A. Shoreline protection may be permitted in the conservancy
6 environment, subject to the shoreline protection provisions
7 (K.C.C. 25.16.180) of the urban environment.

8 ~~((b))~~ B. Breakwaters shall not be permitted.

9 SECTION 11. Ordinance 3688, Section 614 and KCC 25.24.140
10 are each hereby amended as follows:

11 ~~((Filling-and-Excavation))~~ Excavation, Dredging and
12 Filling. ~~((Filling-and-excavation))~~ Excavation, dredging and
13 filling may be permitted in the conservancy environment, subject
14 to the ~~((filling-and-excavation))~~ excavation, dredging, and
15 filling provisions ~~((Section))~~ K.C.C. 25.16.190(()) of the

16
17 urban environment provided: ~~((a))~~ A. ~~((fill-or-excavation))~~
18 Excavation, dredging, or filling below the ordinary water mark
19 shall be permitted only to mitigate conditions which endanger
20 public safety or fisheries resources;

21 ~~((b))~~ B. Channelizing, straightening or relocating rivers
22 or streams shall not be permitted;

23 ~~((e))~~ C. Excavation or dredging or marshes, swamps or
24 bogs shall not be permitted.

25 SECTION 12. Ordinance 3688, Section 709 and KCC 25.28.090
26 are each hereby amended to read as follows:

27 Residential Development. ~~((a))~~ A. Multifamily and
28 accessory development is prohibited in the natural environment

29 ~~((b))~~ B. Single-family residential development may be
30 permitted in the natural environment subject to the general
31 requirements ~~((Section-25.28.030)-of-this-chapter))~~ of K.C.C.
32 25.28.030 and the single family provisions ~~((Sections))~~ K.C.C.
33 25.16.090 through 25.16.140(()) of the urban environment;

1 provided, (~~single-family residences shall maintain a shoreline~~
2 ~~setback of one hundred feet from the ordinary high water mark or~~
3 ~~from the upland edge of the floodway or from the edge of areas~~
4 ~~of steep slopes, slide hazard or unstable soils, whichever is~~
5 ~~greater.~~))

6 single-family residential development shall maintain a minimum
7 setback of one hundred feet from the ordinary high water mark,
8 except that:

9 1. If the minimum setback from the ordinary high water
10 mark of a river or stream falls within the floodway, the
11 development shall be required to locate past the upland edge of
12 the floodway.

13 2. If development is proposed on shorelines, including
14 one or more sensitive areas, as defined in K.C.C. 21.04, such
15 development shall be done in accordance with regulations and
16 procedures set forth in K.C.C. 21.54.104 through 21.54.180.

17 (~~e~~) C. Piers, moorages, floats or launching facilities
18 accessory to single-family development shall not be permitted in
19 the natural environment.

20 SECTION 13. Ordinance 3688, Section 714 and KCC 25.28.140
21 are each hereby amended to read as follows:

22 (~~Filling and Excavation~~) Excavation, Dredging and
23 Filling. (~~Filling and excavation~~) Excavation, dredging, and
24 filling may be permitted in the natural environment subject to
25 the (~~filling and excavation~~) provisions (~~Section~~) K.C.C.
26 25.16.190(~~)~~) of the urban environment, provided: (~~1~~) A.
27 (~~fill or excavation~~) Excavation, dredging, or filling below
28 the ordinary high water mark shall be permitted only to mitigate
29 conditions which endanger public safety or fisheries resources;

30 (~~b~~) B. Fill or excavation above the ordinary high water
31 mark shall be permitted only to the extent permitted and
32 necessary to construct development allowed in the natural
33 environment;

1 ~~((e))~~ C. Channelizing, straightening or relocating rivers
2 or streams shall not be permitted;

3 ~~((d))~~ D. Excavation or dredging or marshes, swamps or
4 bogs shall not be permitted.

5 SECTION 14. Ordinance 3688, Section 803 and KCC 25.32.030
6 are each hereby amended to read as follows:

7 Permits - Application - Fee - Notice - Burden of proof of
8 compliance. ~~((a))~~ A. Applications for substantial development
9 permits, on forms prescribed by the director, shall be made with
10 the director by the property owner, or by an authorized agent of
11 the owner. Incomplete applications will be held for a period of
12 ninety days to allow the applicant to supply the required
13 additional information. Incomplete applications shall be void
14 after ninety days, unless the applicant requests in writing an
15 extension for the purposes of supplying the required additional
16 information.

17 ~~((b))--A-fee-in-the-amount-of-one-hundred-dollars-shall-be--~~
18 ~~paid-at-the-time-an-application-is-submitted-for-proposed~~
19 ~~development-with-an-estimated-total-cost-of-less-than-one-~~
20 ~~hundred-thousand-dollars.--A-fee-in-the-amount-of-two-hundred~~
21 ~~fifty-dollars-shall-be-paid-for-proposed-development-with-an~~
22 ~~estimated-total-cost-of-one-hundred-thousand-dollars-or-more.~~

23 ~~A-fee-in-the-amount-of-one-hundred-dollars-shall-be-paid~~
24 ~~upon-request-for-an-extension-of-a-permit))~~
25 ~~provided, no-fee-shall-be-required-for-King-County-sponsored~~
26 ~~projects.))~~

27 B. The fee which shall accompany an application for a
28 substantial development permit or a request for extension of a
29 permit shall be as adopted by ordinance.

30 ~~((e))~~ C. Upon receipt of proper application, the director
31 shall instruct the applicant to publish notices of the
32 application at least once a week on the same day of the week for
33 two consecutive weeks in a newspaper of general circulation

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

17 ((1)) 1. The department will notify by mail the owners
 18 of property within three hundred feet of the project site,

19 ((2)) 2. For utility lines, linear recreation
 20 facilities such as trails and other developments of unusual size
 21 or configuration, the department may substitute other
 22 appropriate notification for the method set forth above,

23 ((d)) D. The burden of proving that the proposed
 24 development is consistent with the criteria set forth in
 25 ((Sections)) K.C.C. 25.04.030 and K.C.C. 25.32.010 ((of this
 26 title)) shall be on the applicant.

27 SECTION 15. Ordinance 3688, Section 804 and KCC 25.32.040
 28 are each hereby amended to read as follows:

29 Permits - Variance. ((a)) A. The director is authorized
 30 to grant a variance from the performance standards of this
 31 master program only under the conditions enumerated WAC
 32 173-14-150 (Review Criteria For Variances).

33 ((b)) B. A variance from county zoning code requirements

1 shall not be construed to mean a variance from shoreline master
2 program use regulations and vice versa.

3 ((~~e~~)) C. Shoreline variances may not be used to permit a
4 use that is specifically prohibited in an environment
5 designation.

6 ((~~d~~)) D. The burden of proving that a proposed variance
7 meets these conditions shall be on the applicant; absence of
8 such proof shall be grounds for denial of the application.

9 E. The fee which shall accompany an application for a
10 shoreline variance shall be as adopted by ordinance.

11 SECTION 16. Ordinance 3688, Section 806 and KCC 25.32.060
12 are each hereby amended to read as follows:

13 Alteration or Reconstruction of Nonconforming Use or
14 Development. ((~~a~~)) A. Applications for substantial
15 development or building permits to modify a nonconforming use or
16 development may be approved only if:

17 ((~~1~~)) 1. The modifications will make the use or
18 development less nonconforming, or

19 ((~~2~~)) 2. The modifications will not make the use or
20 development more nonconforming.

21 B. A use or development, not conforming to existing
22 regulations, which is destroyed, deteriorated, or damaged more
23 than fifty percent of its fair market value at present or at the
24 time of its destruction by fire, explosion, or other casualty or
25 act of God, may be reconstructed only insofar as it is
26 consistent with existing regulations.

27 ((~~b~~)) C. The review of the applications for the
28 modification of a nonconforming use or development shall be
29 subject to the guidelines enumerated in ((~~Chapter~~)) K.C.C.
30 21.51 (Nonconforming Buildings and Uses).

31 SECTION 17. Ordinance 3688, Section 813 and KCC 25.32.130
32 are each hereby amended to read as follows:

33 Shoreline environment redesignation. ((~~a~~)) A. Shoreline

1 environments designated by the master program may be
2 redesignated by the County Council upon finding that such a
3 redesignation will be consistent with:

4 ((1)) 1. The policy of Section 2 of the Shoreline
5 Management Act of 1971, and

6 ((2)) 2. The goals, objectives and policies of the
7 Master Program, and

8 ((3)) 3. The designation criteria of the shoreline
9 environment designation requested.

10 ((b)) B. Application for redesignation shall be made on
11 forms and in a manner prescribed by the director.

12 ((e) Upon the filing of an application for a shoreline--
13 environment redesignation a fee of one hundred twenty-five
14 dollars (\$125) shall be paid.)

15 C. The fee which shall accompany an application for a
16 shoreline redesignation shall be as adopted by ordinance.

17 ((d)) D. Redesignations may be initiated by:

18 ((1)) 1. The verified application of the owner(s) of
19 the property requested to be redesignated, or

20 ((2)) 2. The adoption of a motion by the council
21 requesting the executive to set the matter for hearing and
22 recommendation.

23 ((e)) E. Applications for redesignation shall not be
24 accepted by the department if a request for redesignation
25 involving the same designation for substantially the same
26 property has been denied within the last year.

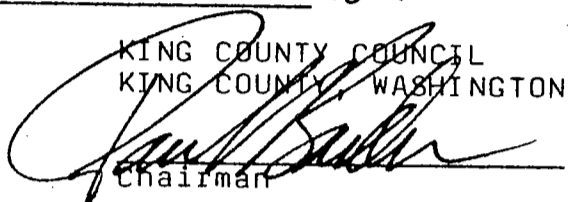
27 ((f)) F. Upon receipt of a properly filed application for
28 redesignation, the department shall prepare a report to the
29 zoning and subdivision examiner.

30 ((g)) G. The report and recommendation of the department
31
32
33

1 shall be forwarded to the zoning and subdivision examiner for
2 consideration together with all relevant testimony at a public
3 hearing to be held consistent with the procedures for a zone
4 reclassification as provided in ((Chapter)) K.C.C. 20.24.

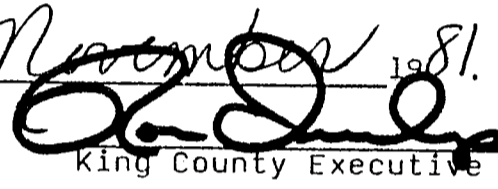
5 INTRODUCED AND READ for the first time this 22nd
6 day of June 1981.

7 PASSED this 26th day of October 1981.

8
9 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
10 
Chairman

11 ATTEST:

12 Donna M. Owens
13 DEPUTY Clerk of the Council

14 APPROVED this 5th day of November 1981.
15 
16 King County Executive