

# ORIGINAL

0046.150.003  
WDT/srf  
03/02/93

ORDINANCE NO. 44

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING THE SHORELINE MANAGEMENT MASTER PROGRAM AND REGULATIONS FOR THE CITY OF WOODINVILLE; PROVIDING FOR THE REGULATION OF SUBSTANTIAL DEVELOPMENT ALONG THE SHORELINES; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, cities and towns are required to adopt a Shoreline Master Program for certain designated shorelines in the state, and

WHEREAS, King County has adopted a Shoreline Master Program which has been approved by the Department of Ecology in WAC 173-19-250, and

WHEREAS, until the City of Woodinville establishes its own Shoreline Master Program, the state regulations authorize the City to continue to enforce King County's approved Shoreline Master Program, and

WHEREAS, this Ordinance is necessary in order to establish the City of Woodinville's own administrative procedures with respect to the Shoreline Master Program, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. Shoreline Management Regulations and Master Program Adopted. That certain compilation identified as Chapter 24.10, Shoreline Management, labeled Exhibit A, attached hereto and incorporated in full by this reference is hereby adopted as the

# ORIGINAL

shoreline management regulations and Shoreline Master Program for the City of Woodinville.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective date. The City Council finds that the City of Woodinville will be incorporated on March 31, 1993. Failure to have the regulations contained in this ordinance in existence as of the date of incorporation will mean that the subject matter of this ordinance will be unregulated and thus will cause substantial detriment to the public health, safety and general welfare. The City Council therefore declares that an emergency exists necessitating that this ordinance be in full force in effect on March 31, 1993. This ordinance or a summary thereof consisting of the title shall be published in the City's official newspaper.

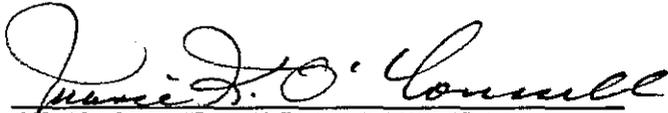
PASSED by a majority of not less than five members of the City Council of the City of Woodinville this 22<sup>nd</sup> day of March, 1993.

APPROVED:

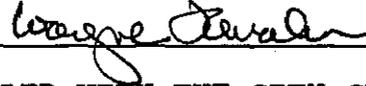
  
MAYOR, LUCY DEYOUNG

# ORIGINAL

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 3/18/93  
PASSED BY THE CITY COUNCIL: 3/22/93  
PUBLISHED: 3/29/93  
EFFECTIVE DATE: 3/31/93  
ORDINANCE NO. 44

**City of Woodinville**

**Shoreline Management**

**Master Program  
and  
Regulations**

**March 31, 1993**



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## Chapter 24.10

### SHORELINE MANAGEMENT

Section 24.10.010. Purpose and authority. The City of Woodinville adopts these regulations under the authority of the Shoreline Management Act of 1971, RCW 90.58, as amended, and the Shoreline Management Guidelines, WAC 173-14.

Section 24.10.020. Shoreline Master Program. Pursuant to WAC 173-19-044 the substantive provisions of the King County Shoreline Master Program shall continue to be enforced by the City until the City has adopted its own Master Program. Except as provided herein, the King County Shoreline Master Program as approved in WAC 173-19-250 is hereby adopted by this reference. Administrative procedures shall be governed by this chapter.

Section 24.10.030. Jurisdiction.

A. The provisions of this chapter shall apply to all development proposed within the areas defined as shorelines in RCW 90.58.020(d), and shorelines of statewide significance in RCW 90.58.030(e). The approximate location of these shorelines shall be designated on maps maintained by the Planning Department; however, the property owner or applicant shall be responsible for determining the exact location of the shoreline when a permit is filed.

B. No development shall be undertaken by any person on the shorelines of the state without obtaining a substantial development permit from the Planning Department; provided, that a permit shall not be required for development exempted from the definition of substantial development in RCW 90.58.030 and for developments exempted by RCW 90.58.140(9) and (10).

Section 24.10.40. Application and public notice. An application for a substantial development permit shall be made to the Planning Department on forms prescribed by the Department. Upon submittal of a complete application, and required fees, the Department shall instruct the applicant to publish notices of the application at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the City. The applicant shall also provide additional public notice as prescribed in Sections 21A.40.090, .100 and .110 of the Zoning Code regarding the posting, publishing and mailing of public notice.

Section 24.10.050. Procedure for review. The substantial development permit shall be reviewed under the applicable

provisions of the Shoreline Master Program and Chapter 21A.42 of the Zoning Code. The Director shall be the final approval authority for the permit.

Section 24.10.060. Shoreline variance.

A. The purpose of a shoreline variance is to grant relief to specific bulk, dimensional or performance standards set forth in the Shoreline Master Program, and where there is an extraordinary or unique circumstance relating to the property such that the strict implementation of the Shoreline Master Program would impose unnecessary hardship on the applicant or thwart the policies of the Shoreline Management Act.

B. When a variance is requested, the substantial development permit and the variance shall be reviewed under the applicable provisions of Chapter 21A.42 of the Zoning Code, and the Hearing Examiner shall be the final approval authority.

C. A variance from the standards of the Master Program may be granted only when the applicant can demonstrate that all the following conditions will apply:

1. That the strict requirements of the bulk, dimensional or performance standards set forth in the Master Program precludes or significantly interferes with the reasonable use of the property not otherwise prohibited by the Master Program;

2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the Master Program, and not, for example, from deed restriction or the applicant's own actions;

3. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;

4. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties, and will be the minimum necessary to afford relief;

5. That the public interest will suffer no substantial detrimental effect;

6. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance when the proposal is for development located waterward of the ordinary high water mark, or within marshes, bogs or swamps; and

7. That consideration has been given to the cumulative effect of like actions in an area where similar circumstances exist, and whether this cumulative effect would be consistent with shoreline policies or would have substantial adverse effects on the shoreline.

D. Shoreline variances may not be used to permit a use that is specifically prohibited in an environment, or to vary uses permitted within an environmental designation.

Section 24.10.070. Conditional uses.

A. Conditional use permits are allowed to provide greater flexibility in varying the application of the use regulations of the Shoreline Master Program in a manner which will be consistent with the policies of RCW 90.28, particularly where denial of the application would thwart the policies of the Shoreline Management Act.

B. When a conditional use is requested, the substantial development permit and the conditional use shall be reviewed under the applicable provisions of Chapter 21A.42 of the Zoning Code, and the Hearing Examiner shall be the final approval authority.

C. Conditional uses have unique and special characteristics which require a special degree of control to make the uses compatible with other existing or permitted uses in the same environment, and to assure that the use is in the public interest. In authorizing a conditional use permit, special conditions may be attached to the permit by the Hearing Examiner to prevent undesirable effects or mitigate environmental impacts of the proposed use.

D. Conditional use permits shall be authorized only when they are consistent with the following criteria:

1. The proposed use is consistent with the policies of RCW 90.58.020 and the policies of the Master Program;

2. The use will not interfere with normal public use of surface waters;

3. The use will cause no unreasonable adverse effects on the shoreline or surrounding properties or uses, and is compatible with other permitted uses in the area;

4. The public interest will suffer no substantial detrimental effect; and

5. Consideration has been given to the cumulative impact of additional requests for like actions in the area.

E. Other uses not set forth in the Shoreline Master Program may be authorized through a conditional use permit if the applicant can demonstrate that extraordinary circumstances preclude reasonable use of the property; however, uses specifically prohibited by the Master Program may not be authorized.

Section 24.10.080. Final approval of substantial development permits.

A. The Planning Director shall notify the following agencies or persons within five days of the final approval of a substantial development permit and any variances or conditional uses granted:

1. The applicant;

2. The Washington State Department of Ecology;

3. The Washington State Attorney General;

4. Any person who has submitted written comments on the application; and

5. Any person who has requested notification in writing prior to final approval of the permit.

B. No work may commence on a site requiring a substantial development permit until 30 days following the date of receipt of the substantial development permit by the Washington State Department of Ecology, and written notification has been received from the Department of Ecology that the review period has been completed.

Section 24.10.090 Combined hearing authority. In those cases when development proposed in the shorelines may require a public hearing under the authority of other chapters of the Municipal Code, the hearings may be combined.

Section 24.10.100. Alteration or reconstruction of nonconforming use or development.

A. Applications for substantial development or building permits to modify a nonconforming use or development may be approved only if:

1. The modifications will make the use or development less nonconforming; or

2. The modification will not make the use or development more nonconforming.

B. A use or development, not conforming to existing regulations, which is destroyed, deteriorated, or damaged more than 75% of its fair market value at present may be reconstructed only consistent with regulations set forth in this chapter.

Section 24.10.200. Penalty.

A. Any person violating any of the provisions of this chapter or any permit issued pursuant thereto, shall be guilty of a misdemeanor and upon conviction thereof punished as set forth in Ordinance No. 16.

B. Any person violating any of the provisions of this chapter or any permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation.

INTRODUCED AND READ for the first time this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

City of Woodinville COUNCIL  
City of Woodinville, WASHINGTON

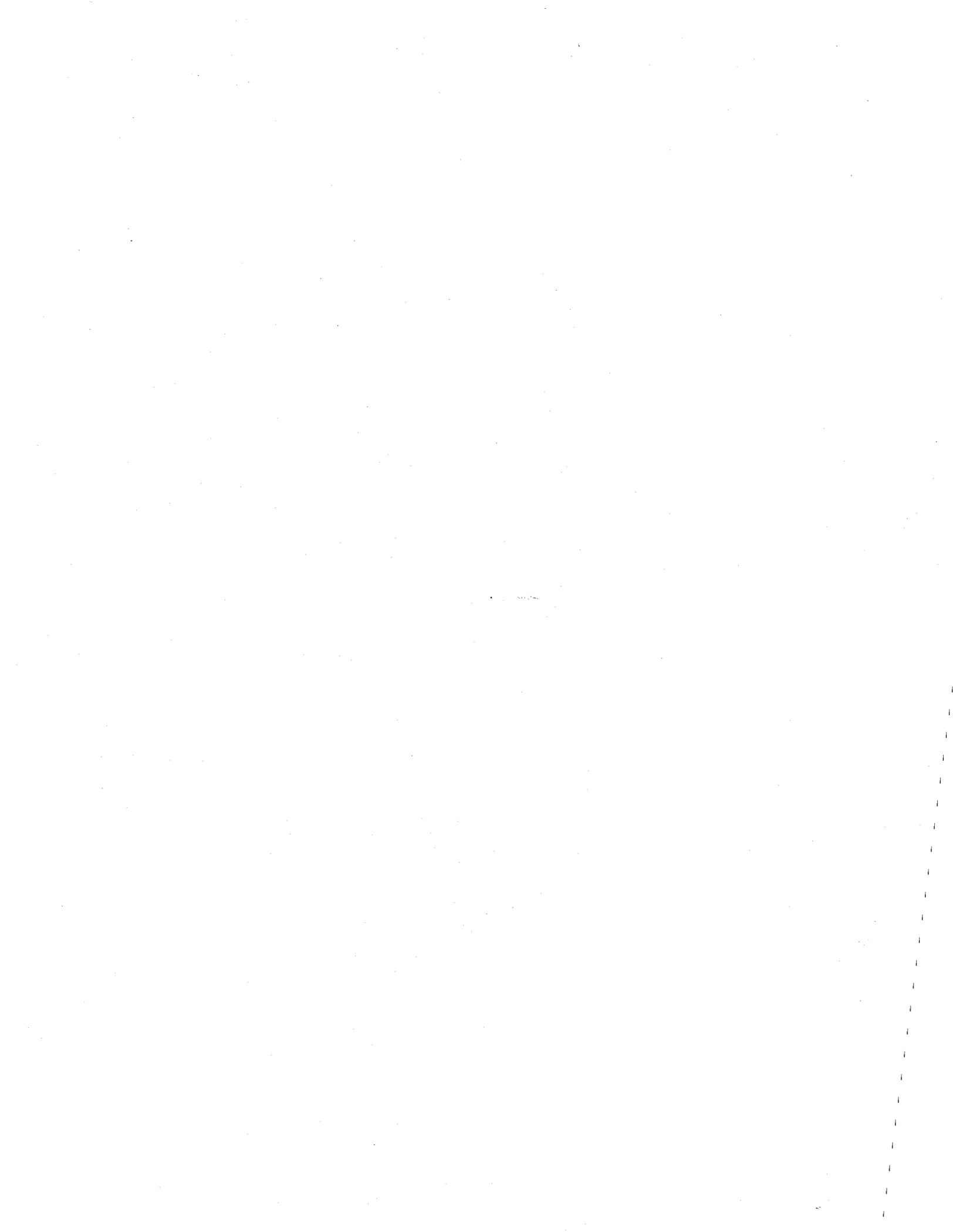
\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
City of Woodinville Clerk

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
City of Woodinville Mayor



1 August 2, 1977

Introduced by: BERNICE STERN

2  
3 78-53

4 ORDINANCE NO. 3692

5 AN ORDINANCE relating to Shoreline Management, adopting the  
6 goals, objectives and policies of the Master Program as an  
addendum to the Comprehensive Plan.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. PURPOSE. The purpose of this ordinance is to adopt the  
9 goals, objectives and policies of King County's Shoreline Master Program, as  
10 required by the Shoreline Management Act of 1971, RCW 90.58, for all areas  
11 subject to the jurisdiction of King County. The council finds that the master  
12 program has been developed in a manner consistent with the provisions of the  
13 Shoreline Management Act, including 10 of the Act (RCW 90.58.100), and  
14 the State Environmental Policy Act, RCW 43.21C, through the utilization of  
15 county departments, other public agencies, a Citizens Advisory Committee, the  
16 Environmental Development Commission, other members of the public and all  
17 available and relevant plans, studies, surveys and inventories. The council  
18 further finds that adequate public hearings on this ordinance have been held  
19 after proper notice given and that the Department of Ecology has completed  
20 review of the Master Program as required by RCW 90.58.090 and has approved  
21 the goals, policies and objectives of the Master Program.

22 SECTION 2. ADOPTION. The policies, objectives and goals of the Shoreline  
23 Management Master Program, attached, are adopted as an addendum to the  
24 Comprehensive Plan for King County. As an addendum to the Comprehensive  
25 Plan, such policy statements constitute the official policy of King County  
26 regarding areas of the County subject to shoreline management jurisdiction.

27 SECTION 3. SEVERABILITY. If any provision of this ordinance or the  
28 Master Program hereby adopted or its application to any person or circumstances  
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30  
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1 is declared unconstitutional or invalid for any reason, such decision shall not  
2 affect the validity of the remaining portions of this ordinance or the Master  
3 Program.

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

6 PASSED this 9th day of May, 1978.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

10 Bernice Stern  
11 Chairman

11 ATTEST:

12 Dorothy G. Quinn DEPUTY  
13 Clerk of the Council

14 APPROVED this 2d day of May, 1978

15  
16 [Signature]  
17 KING COUNTY EXECUTIVE  
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The houses know about riverside living. Even the modern weekend summertime places have learned. The old houses, the very old houses that were built of cedar shake and lodgepole by the first settlers at the turn of the eighteenthundreds, were long ago jacked up and dragged back from the bank by borrowed teams of horses and logging oxen. Or, if they were too big to move, were abandoned to tip headlong into the water as the river sucked away the foundations.

Many of the settlers' houses were lost this way. They had all wanted to build along the river's edge in those first years, for convenience's sake, to be close to their transportation, their "Highway of Water," as the river is referred to frequently in yellowed newspapers in the Wakonda Library. The settlers had hurried to claim bankside lots, not knowing at first that their highway had a habit of eating away its banks and all that those banks might hold. It took these settlers a while to learn about the river and its habits.....

A while to learn about the river and to realize that they must plan their homesites with an acknowledged zone of respect for its steady appetite; surrender a hundred or so yards to its hungry future. No laws were ever passed enforcing this zone. None were needed.

--Ken Kesey in Sometimes a Great Notion



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## MASTER PROGRAM ELEMENTS

The Shoreline Management Act of 1971, identifies seven land and water use elements that are to be dealt with in the development of areawide shoreline goals. They include: shoreline use, economic development, public access, conservation, recreation, historical/cultural and circulation. Master Programs are also encouraged to include any other elements which, because of present uses or future needs, are deemed appropriate to effectuate the policy of the Act.

Residential land use of shorelines of the state in King County makes up the largest share of the developed shorelines in the County. Much of the undeveloped shoreline is in private ownership, subdivided into small lots and presently zoned to allow for residential use. Because of present and future needs of residential shoreline use, goals and policies have been formulated as part of a residential element to guide and plan for that development.

The following comprehensive set of shoreline goals provide the foundation and framework on which the balance of the Master Program has been developed. These goals and policies are reflective of the level of achievement believed to be intrinsically desirable for all shoreline uses, needs and developments, and establish a program policy commensurate with the intent and objectives of the Shoreline Management Act.

### SHORELINE USE ELEMENT

An element which deals with the distribution, location and extent of: 1) the use of shorelines and adjacent areas for housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources, 2) the use of the water for aquaculture, recreation and transportation, and 3) the use of the water, shoreline and uplands for other categories of land and water uses and activities not specified in this Master Program.

**GOAL: PRESERVE OR DEVELOP SHORELINES, ADJACENT UPLANDS AND ADJACENT WATER AREAS IN A MANNER THAT ASSURES A BALANCE OF SHORELINE USES WITH MINIMAL ADVERSE EFFECT ON THE QUALITY OF LIFE, WATER AND ENVIRONMENT.**

#### Objectives

1. Shoreline land and water areas particularly suited for specific and appropriate uses should be designated and reserved for such uses.
2. Shoreline land and water uses should satisfy the economic, social and physical needs of the regional population, but should not exceed the physical carrying capacity of the shoreline areas.

3. Where appropriate, land and water uses should be located to restore or enhance the land and water environments.
4. Location of new development shall be prioritized as follows:
  - a. First priority should be given to those uses which are shoreline dependent and will have no adverse effect on the land and water environment.
  - b. Next priority should be given to those uses which are shoreline dependent and which will have minimal adverse effect on the land and water environment.
  - c. Next priority should be given to those uses which are shoreline dependent which may have significant adverse effect on the land and water environment.
  - d. Next priority should be given to those uses which are shoreline dependent and which may have a substantial detrimental effect on either the land or water environment.
  - e. Lowest priority should be given to those uses which are not dependent on the shoreline.
5. Like or compatible shoreline uses should be clustered or distributed in a rational manner rather than be allowed to develop haphazardly.
6. Multiple uses of shoreline should be encouraged where location and integration of compatible uses or activities are feasible.
7. Unique and fragile areas of the shoreline should be protected from uses or activities that will have an adverse effect on the land or water environment.
8. Non-residential uses or activities which are not shoreline dependent should be encouraged to locate or relocate away from the shoreline.
9. King County shall consider the goals, objectives and policies within the Shoreline Master Program in all land use management actions regarding the use or development of adjacent uplands or the water areas, adjacent uplands and associated wetlands or streams with less than 20 cubic feet per second mean annual flow within its jurisdiction where such use or development will have an adverse effect on designated shorelines.

#### ECONOMIC DEVELOPMENT ELEMENTS

An element which deals with the location and design of those industries, fisheries, transportation facilities, port and tourist facilities, commerce

and other developments that are uniquely dependent upon the shoreline and water access.

**GOAL: SHORFLINE DEPENDENT DEVELOPMENT SHOULD PROVIDE LONG RANGE BENEFIT TO MAN AND HIS ECONOMIC PURSUITS WHILE ASSURING COMPATIBILITY WITH THE ENVIRONMENTAL AND PHYSICAL GOALS FOR SHORELINE AREAS.**

#### Objectives

1. Rather than being dispersed, shoreline industry and commerce should be encouraged to locate in present publicly indentified and developed areas to the extent of the land and water carrying capacity.

- Policy 1 - To relieve stress on less developed areas, new industry and commerce should be encouraged to locate in intensive use areas which can be upgraded and redeveloped.
- Policy 2 - New economic development should be encouraged to cluster.
- Policy 3 - Economic development should be designed to minimize actual shoreline space occupied.
- Policy 4 - Economic development involving high intensity commercial land use should be confined to Urban Enironments.
- Policy 5 - Economic uses and activities should place inland all non-shoreline dependent elements. Those non-shoreline dependent uses which are allowed to remain may have moderate modification and reconstruction.
- Policy 6 - Cooperative use of docking, parking, cargo handling and storage facilities should be encouraged.

2. Shoreline economic development should provide public physical and visual availability to the water, consistent with public health and safety.

- Policy 1 - Overlook points, historic areas, structures and points of public access to the waterfront should be incorporated in industrial site planning.
- Policy 2 - Port facilities should be designed to permit viewing of harbor areas by means of viewpoints, waterfront restaurants and similar public facilities that would not interfere with port operations.

3. Shoreline economic development which may have significant or substantial

detrimental effect on either land or water environment should be constructed and operated in a manner to minimize these effects.

- Policy 1 - New development should minimize temperature changes, accumulation of debris, bank erosion, turbidity and other changes in water quality.
- Policy 2 - During excavation and other erosion and sediment activities, appropriate sediment control procedures and devices should be used to protect the watercourse.
- Policy 3 - Structures placed in the water for economic purposes should be designed to minimize obstruction to natural circulation and movement of water, sediments and indigenous aquatic life.
- Policy 4 - Economic development should be prohibited in identified unique and fragile areas.
- Policy 5 - Economic development which reduces water surface or flood plain storage capacity should not be permitted, except where a shoreline dependent use serves an overriding public interest, the flood hazard is not increased, and there are no reasonable alternative construction sites.

4. Whenever feasible, waterfront economic sites should be planned so as to provide multiple uses of the shorelines of the state.

- Policy 1 - Consistent with public safety, waterfront industrial developments should be encouraged to provide fishing piers, use of artificial reefs, boat ramps and other facilities.
- Policy 2 - To lessen competition for landed sites, pens and structures for commercial aquaculture should be located away from Class I beaches.
- Policy 3 - In siting economic development, that which is shoreline dependent should be given priority over economic development that is water-oriented.

5. Priority should be given those shoreline economic developments which maintain options for future users of the water.

- Policy 1 - Economic activity which converts shoreline resources

to irreversible uses should be minimized.

6. Tidelands, shorelands, beds and waters especially valuable for aquaculture or natural production of fish or shellfish should be publicly identified and protected.

Policy 1 - King County support should be given to State Departments of Game and Fisheries to improve stream conditions and open new spawning areas.

Policy 2 - Development of all fisheries for commercial and recreational applications should be encouraged.

Policy 3 - Mining, dredging, channelizing or filling of these shoreline areas should be discouraged.

7. Priority should be given shoreline economic development of renewable over non-renewable resources.

Policy 1 - To maintain a long range economic base in King County, economic development in shoreline recreation, fisheries, silvaculture and agriculture should be encouraged.

Policy 2 - Prompt and effective regeneration should be accomplished after harvest to assure a sustained yield.

Policy 3 - Mining and other resource extraction should be discouraged in waterbodies and shoreline areas.

#### PUBLIC ACCESS ELEMENT

An element making provision for public access to publicly-owned shorelines and assessing the need for providing public access to shoreline areas..

GOAL: INCREASE PUBLIC ACCESS TO SHORELINE AREAS PROVIDED THAT PRIVATE RIGHTS, PUBLIC SAFETY AND THE NATURAL SHORELINE CHARACTER ARE NOT ADVERSELY AFFECTED.

#### Objectives

1. Access development should respect and protect the enjoyment of private rights in shoreline property.

Policy 1 - Shoreline access areas should be planned to include ancillary facilities such as parking and sanitation when appropriate.

- Policy 2 - Shoreline access and ancillary facilities should be designed and developed to provide adequate protection for adjacent private properties.
2. Public access should be maintained and regulated.
- Policy 1 - Public access should be policed and improved consistent with intensity of use.
- Policy 2 - The provision to restrict access as to nature, time, number of people and area may be appropriate for public pedestrian easements and other public access areas where there are spawning grounds, fragile aquatic life habitats or potential hazard for pedestrian safety.
- Policy 3 - Facilities in public shoreline access areas should be properly maintained and operated.
3. Design of access should provide for the public health, safety and enjoyment.
- Policy 1 - Appropriate signs should be used to designate publicly-owned shorelines.
- Policy 2 - Within the shoreline environment pedestrian and non-motorized access should be encouraged.
- Policy 3 - Public access to and along the water's edge should be available in publicly-owned shorelines that are tolerant of human activity.
4. Priority for access acquisition should consider resource desirability, availability and proximity of population.
- Policy 1- A shoreline element in the parks acquisition and development program should be encouraged so that future shoreline access is acquired and developed by established criteria and standards as part of an overall master plan.
5. Public access should be provided in new shoreline development.
- Policy 1 - There should be incentives to encourage private property owners to provide shoreline access.
- Policy 2 - Public pedestrian easements should be provided in future land use authorizations and in the case of King County projects along lakes, rivers, streams, ponds and marine-lands whenever shoreline features are appropriate for

public use. Shorelines of the state that include but are not limited to any of the following conditions should be considered for pedestrian easements:

- a. Where a proposed trail in the King County Trail System utilizes a route along the shoreline.
- b. Areas of significant, historical, geological and/or biological circumstances.
- c. Areas presently being legally used or historically having been legally used by the public along the shoreline for access.
- d. Where public funds have been expended on or related to the waterbody.

6. Shorelines of the state should be available to all people for sensory gratification.

Policy 1 - Viewpoints, lookouts and vistas of shorelines of the state and wetlands should be publicly accessible.

Policy 2 - New developments should minimize visual and physical obstruction of the water from shoreline roads and upland owners.

7. General Policies:

Policy 1 - Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use.

Policy 2 - Publicly-owned street ends which abut the shoreline should be retained and/or reclaimed for public access.

Policy 3 - Shoreline recreational facilities and other public access points should be connected by trails, bicycle pathways and other access links where appropriate.

Policy 4 - Public pedestrian easements and access points should be of a nature and scale that would be compatible with the abutting and adjacent land use as well as natural features including aquatic life.

Policy 5 - Access development should respect and protect ecological and aesthetic values in the shorelines of the state.

## CONSERVATION ELEMENT

An element which deals with the preservation of natural shoreline resources, considering but not limited to such characteristics as scenic vistas, parkways, vital estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

**GOAL: ASSURE PRESERVATION OF UNIQUE AND NON-RENEWABLE NATURAL RESOURCES AND ASSURE CONSERVATION OF RENEWABLE NATURAL RESOURCES FOR THE BENEFIT OF EXISTING AND FUTURE GENERATIONS AND THE PUBLIC INTEREST.**

### Objectives

1. Shorelines which are of unique or valuable natural character should be acquired for public benefit commensurate with preservation of the ecosystem.

Policy 1 - Unique and fragile areas in shoreline areas should be designated and retained as open space. Access and use should be restricted or prohibited when necessary for their preservation.

Policy 2 - When appropriate, King County should acquire those shoreline areas which are unique or valuable. Subsequent use of such areas should be governed by their ecological carrying capacity.

2. All renewable natural resources should be managed so that use or consumption does not exceed replenishment.

Policy 1 - In shoreline areas, after logging operations have been completed, reforestation or other planting should be undertaken and completed within one year whenever possible.

Policy 2 - Through policies and actions, King county should encourage the management and conservation of fish, shellfish, wildlife, timber and other renewable resources.

3. Resource conservation should be an integral part of shoreline planning.

Policy 1 - When feasible, King County should initiate programs to reverse any substantial adverse impacts caused by existing shoreline development.

Policy 2 - All future shoreline development should be planned, designed and sited to minimize adverse impact upon the natural shoreline environment.

4. Scenic, aesthetic and ecological qualities of natural and developed shorelines should be recognized and preserved as valuable resources.

Policy 1 - When appropriate, natural flora and fauna should be preserved or restored.

Policy 2 - In shoreline areas, the natural topography should not be substantially altered.

Policy 3 - Shoreline structures should be sited and designed to minimize view obstruction and should be visually compatible with the shoreline character.

Policy 4 - Wildlife and aquatic habitats, including spawning grounds, should be protected, improved, and, if appropriate, increased.

5. Resources should be managed to enhance the environment with minimal adverse effect.

Policy 1 - Agriculture, aquaculture, and silvaculture in shoreline areas should be conducted with all reasonable precautions to insure the preservation of the natural character and quality of the shoreline.

Policy 2 - Shoreline activities, and developments should be planned, constructed and operated to minimize adverse effects on the natural processes of the shoreline, and should maintain or enhance the quality of air, soil, and water on the shorelines

Policy 3 - Consumptive and extractive industries should allow the natural shoreline systems to function with a minimum of disruption during their operations and should return the shoreline to as near natural a state as possible upon their completion.

Policy 4 - Any structure or activity in or near the water should be constructed in such a way that it will minimize adverse physical or chemical effects on water quality, vegetation, fish, shellfish or wildlife.

Policy 5 - Uses or activities, which substantially degrade the natural resources of the shoreline should not be allowed.

## RECREATION ELEMENT

An element for the preservation and expansion of all types of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

**GOAL: PROVIDE ADDITIONAL SHORELINE DEPENDENT AND WATER ORIENTED RECREATION OPPORTUNITIES THAT ARE DIVERSE. CONVENIENT AND ADEQUATE FOR THE REGIONAL POPULATION CONSISTENT WITH THE CARRYING CAPACITY OF THE LAND AND WATER RESOURCE.**

### Objectives

1. Areas containing special shoreline recreation qualities not easily duplicated should be available for public use and enjoyment.

Policy 1 - Opportunities should be provided for the public to understand natural shoreline processes and experience natural resource features.

Policy 2 - Public viewing and interpretation should be encouraged at or near industrial, commercial and governmental shoreline activities when consistent with security and public safety.

2. Shoreline recreational use and development should enhance environmental quality with minimal adverse effect on the natural resources.

Policy 1 - Stretches of relatively inaccessible and unspoiled shoreline should be available and designated as low intensity recreational use areas with minimal development; service facilities such as footpaths, periphery car parks and adequate sanitary facilities should only be allowed where appropriate.

Policy 2 - Beaches and other predominantly undeveloped shorelines already popular should be available and designated as medium intensity recreational use areas to be free from expansive development; intensity of use should respect and protect the natural qualities of the area.

Policy 3 - Small or linear portions of the shoreline suitable for recreational purposes should be available and designated as transitional use areas that allow for variable intensities of use, which may include vista points, pedestrian walkways, water entry points, and access from the water; utilizing stream floodplains, streetends, steep slopes and shoreline areas adjacent to waterfront roads.

- Policy 4 - At suitable locations, shorelines should be made available and designated as high intensive use areas that provide for a wide variety of activities.
- Policy 5 - Overall design and development in shoreline recreational areas should be responsive to the site characteristics of those areas and be consistent with the level of use in the area concerned.
- Policy 6 - Recreation areas on the shoreline should have adequate surveillance and maintenance.
- Policy 7 - The public should be provided with additional off-site and on-site guidance and control to protect the shoreline resource.
- Policy 8 - Where a wide berm is needed for dry beach recreation, and physical conditions permit sand retention, consideration should be given to creating a Class I beach when such development does not destroy valuable biota or unique physical conditions.
- Policy 9 - Access to recreational shoreline areas afforded by water and land circulation systems should be determined by the concept of optimum carrying capacity and recreational quality.
- Policy 10 - Non water oriented recreational facility development should be kept inland away from the water's edge except where appropriate in high intensive shoreline use areas.

3. The provision of adequate public shoreline recreation lands should be based on an acquisition plan with clear public intent.

4. A balanced variety of recreational opportunities should be provided regionally for people of different ages, health, family status and financial ability.

- Policy 1 - Appropriate specialized recreation facilities should be provided for the handicapped or others who might need them.
- Policy 2 - Shoreline recreation areas should provide opportunities for different use intensities ranging from low (solitude) to high (many people).

- Policy 3 - Opportunities for shoreline recreational experiences should include a wide range of accessibility and duration of use.
- Policy 4 - Shoreline recreational experiences should include a wide range of different areas from remote-outdoor undeveloped areas to highly developed indoor-outdoor areas.
- Policy 5 - Recreational development should meet the demands of population growth consistent with the carrying capacity of the land and water resource.

### HISTORICAL/CULTURAL ELEMENTS

An element for the protection and restoration of buildings, sites and shorelines areas having historic, cultural, educational or scientific value.

GOAL: SHORELINE FEATURES HAVING HISTORIC, CULTURAL, SCIENTIFIC OR EDUCATIONAL VALUE LOCALLY OR REGIONALLY, SHOULD BE DESIGNATED AND THEN RETAINED AND PROTECTED.

#### Objectives

1. Public and private cooperation in site preservation and protection should be encouraged.

- Policy 1 - King County should create the means for establishing a County register of historic buildings, sites and districts including those on shorelines.
- Policy 2 - There should be incentives to encourage private owners to preserve such designated sites.
- Policy 3 - Heritage sites should be restored or modified as an aspect of King County's Heritage Site Program.
- Policy 4 - Whenever possible, public or private developments should be prevented from destroying or destructively altering any designated site having historic, cultural, scientific or educational value as identified by the appropriate authorities.
- Policy 5 - King County should attempt to preserve sites on County property with historic, cultural, educational or scientific value.
- Policy 6 - King County should coordinate with adjacent municipalities in the preservation and enhancement of mutually relevant sites and areas.

Policy 7 - King County should consider the purchase of appropriate sites to assure the preservation of representative number of natural areas for scientific purposes as identified by the proper authorities.

2. Suspected significant and newly discovered sites should remain free from other intrusions until their value for retention is determined.

Policy 1 - An assessment of the historic, cultural, educational or scientific value of proposed substantial developments should be included as part of the shoreline permit process.

Policy 2 - As part of King County's continual updating of its Inventory and Master Program, sites of suspected or potential value should be inventoried.

3. Where appropriate, access to such sites should be made available to the general public and should be designed to give maximum protection to the resource.

Policy 1 - Parks, trails and other forms of recreational open space should be coordinated with such sites when appropriate for their protection.

Policy 2 - Access to areas of scientific significance should be restricted where appropriate to the resource being protected.

4. The need to provide clear interpretation of historical/cultural sites to visitors should be recognized.

Policy 1 - Such sites should be marked by appropriate signs noting the historical or cultural significance of the location. The signs should be designed to blend with the surrounding environment.

Policy 2 - When practical, and not in conflict with the objective of protection of the resource, more extensive interpretive services should be provided.

Policy 3 - Archeological sites should not be marked by signs or other interpretive data if this would greatly increase the danger of vandalism.

#### CIRCULATION ELEMENT

An element dealing with the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public

facilities and coordinating those facilities with the shoreline use elements.

GOAL: CIRCULATION SYSTEMS IN SHORELINE AREAS SHOULD BE LIMITED TO THOSE WHICH ARE SHORELINE DEPENDENT OR WOULD SERVE SHORELINE DEPENDENT USES AND THE PHYSICAL AND SOCIAL ENVIRONMENT SHALL BE PROTECTED FROM THE ADVERSE EFFECT OF THOSE SYSTEMS ON THE QUALITY OF WATER, LIFE OR ENVIRONMENT.

#### Objectives

1. New surface transportation development should be designed to provide the best possible service with the least possible infringement upon the shoreline environment.

Policy 1 - New transportation facilities and improvements to existing facilities that substantially increase levels of air, noise, odor, visual or water pollution should be discouraged.

Policy 2 - Transportation corridors should be designed to harmonize with the topography and other natural characteristics of the shoreline through which they traverse.

Policy 3 - Surface transportation facilities in shoreline areas should be set back from the ordinary high water mark far enough to make unnecessary such protective measures as rip-rap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrade.

2. Shoreline circulation systems should encourage alternative routes and modes of travel.

Policy 1 - Future development and maintenance of regional ferry services should be encouraged and integrated with the overall transportation system.

Policy 2 - Circulation routes should provide for non-motorized means of travel.

Policy 3 - The concepts contained in King County's Urban Trails Plan should be incorporated into the shoreline circulation system.

3. Circulation systems should be located and attractively designed so as not to unnecessarily or unreasonably pollute the physical environment or reduce the benefits people derive from their property.

Policy 1 - Motorized vehicular traffic on beaches and other natural shoreline areas should be prohibited.

Policy 2 - Transportation facilities providing access to shoreline developments should be planned and designed in scale and character with the use proposed.

4. Circulation systems disruptive to public shoreline access and other shoreline uses should be relocated where feasible.

Policy 1 - Transportation elements disruptive to the shoreline character which cannot feasibly be relocated should be conditioned or landscaped to minimize visual and noise pollution.

5. Shoreline circulation systems should be adaptable to changes in technology.

Policy 1 - King County should promote and encourage modes of transportation which consume the least amount of energy while providing the best efficiency with the least possible pollution.

#### 6. General Policies

Policy 1 - New transportation developments in shoreline areas should provide turnout areas for scenic stops and offroad rest areas where the topography, view and natural features warrant.

Policy 2 - Shoreline roadway corridors with unique or historic significance or of great aesthetic quality should be retained and maintained for those characteristics.

Policy 3 - New transportation facilities crossing lakes, streams, rivers or wetlands should be encouraged to locate in existing corridors except where any adverse impact can be minimized by selecting an alternate corridor.

Policy 4 - Shoreline terminals and transfer points should be sited and designed to minimize their impact on the environment and adjacent shoreline uses.

#### RESIDENTIAL ELEMENT

An element dealing with housing densities, residential subdivisions, shoreline access, necessary support services and locations of single-family dwellings (including mobile homes), multi-family dwellings and houseboats without distinction between part-time or full-time occupancy.

**GOAL: SHORELINE RESIDENTIAL AREAS SHALL PERMIT A VARIETY OF HOUSING TYPES AND DESIGN WITH DENSITIES AND LOCATION CONSISTENT WITH THE ABILITY OF PHYSICAL AND NATURAL FEATURES TO ACCOMMODATE THEM.**

**Objectives**

**1. Residential developments should be excluded from shoreline areas known to contain development hazards.**

- Policy 1 - Residential development should be prohibited in flood plains within the 100 year flood level.**
- Policy 2 - Residential development should be prohibited in areas of severe or very severe landslide or avalanche hazard.**
- Policy 3 - Residential development should be prohibited in shoreline areas with slopes of 40% or greater which are hazardous.**
- Policy 4 - Shoreline areas containing other potential hazards (e.g., geological conditions, unstable subsurface conditions, erosion hazards, ground water or seepage problems) should be limited or restricted for development. The burden of proof that development of these areas is feasible, safe and ecologically sound is the responsibility of the developer.**

**2. Residential developments should have minimal impact on the land and water environment of the shoreline and minimize visual and physical obstruction.**

- Policy 1 - Residential development should be prohibited in identified unique and fragile areas.**
- Policy 2 - Residential development on piers or over water should not be permitted.**
- Policy 3 - Landfill for residential development which reduces water surface or flood plain capacity would not be permitted.**
- Policy 4 - In residential developments, the water's edge should be kept free of buildings and fences.**
- Policy 5 - Every reasonable effort should be made to insure the retention of natural shoreline vegetation and other natural features of the landscape during site development and construction.**
- Policy 6 - Planned unit developments that provide public access and open space for the general public as well as to residents of the project are preferred, whether single-family or multi-family developments.**

3. Residential use of shorelines should not displace or encroach upon shoreline dependent uses.

Policy 1 - Housing should be located to prevent interference with shoreline dependent uses that are more important to the area.

4. Residential densities should be determined with regard for the physical capabilities of the shoreline areas, public services requirements and effects such densities have on the environment.

Policy 1 - Subdivisions and new developments should be designed to adequately protect the water and shoreline aesthetic characteristics.

Policy 2- New residential developments should only be allowed in those shoreline areas where the provision for sewage disposal and drainage ways are of such a standard that adjoining water bodies would not be adversely affected by pollution or siltation.

Policy 3 - Residential development along shorelines should be set back from the ordinary high water mark far enough to make unnecessary such protective measures as filling, bulkheading, construction groins or jetties, or substantial regrading of the site.

#### 5. General Policies

Policy 1 - New floating homes should be prohibited in unincorporated King County.

Policy 2 - Residential developments should be designed to enhance the appearance of the shoreline and not substantially interfere with the public's view and access to the water.

## SHORELINE ENVIRONMENTS

In order to more effectively implement the goals, objectives and policies of this Master Program and the Shoreline Management Act, the shorelines of the state within King County have been categorized into five separate Environment designations. The purpose of these designations is to differentiate between areas whose geographical features imply differing objectives regarding their use and future development.

Each environment represents a particular emphasis in the type of uses and the extent of development which should occur within it. The system is designed to encourage uses in each Environment which enhance 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 destroyed.

The determination as to which designation should be given to any specific shoreline area has been based on and is reflective of the existing development pattern, the biophysical capabilities and limitations of the land and the goals and aspirations of the local citizenry.

Each environment category includes: 1) a definition describing the development, use and/or features which characterize the area, 2) a purpose which clarifies the meaning and intent of the designation, and (3) general policies designed to regulate use and development consistent with the character of the Environment.

### URBAN ENVIRONMENT

The Urban Environment is an area of high-intensity land use including residential commercial, recreational and industrial development. The Environment is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

The purpose of designating the Urban Environment is to ensure optimum utilization of shorelines within urbanized areas by permitting intensive use and by managing development so that it enhances and maintains the shoreline for a multiplicity of urban uses. The Environment is designed to reflect a policy of increasing utilization and efficiency of urban areas, to promote a more intensive level of use through redevelopment of areas now under-utilized and to encourage multiple use of the shoreline if the major use is shoreline dependent

#### General Policies

1. Emphasis should be given to development within already developed areas.

2. Priority should be given to shoreline dependent and water oriented uses over other uses. Uses which are neither shoreline dependent or water oriented should be discouraged except for residential.
3. Emphasis should be given to developing visual and physical access to the shoreline in the Urban Environment.
5. To enhance the waterfront and insure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities consistent with public safety and security.
6. Multiple use of the shoreline should be encouraged.
7. Redevelopment and renewal of substandard areas should be encouraged in order to accommodate future users and make maximum use of the shoreline resource.
8. Aesthetic considerations should be actively promoted by means of sign control regulations, architectural design standards, planned unit development standards, landscaping requirements and other such means.
9. Development should not significantly degrade the quality of the environment, including water quality and air quality, nor create conditions which would accentuate erosion, drainage problems or other adverse impacts on adjacent Environments.

#### RURAL ENVIRONMENT

The Rural Environment is intended for shoreline areas characterized by agricultural uses, low density residential where most urban services are not available, and areas which provide buffer zones and open space between predominantly urban areas. Undeveloped shorelines not planned for urban expansion or which do not have a high priority for designation in an alternative Environment and recreational uses compatible with agricultural activities are appropriate for the Rural Environment.

The purpose of designating the Rural Environment is to preserve agricultural land, restrict intensive development along undeveloped shorelines, 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 density, 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.

### General Policies

1. Industrial and commercial uses should be restricted to those associated and in character with this Environment.
2. Industrial, commercial and residential development should not encroach on prime agricultural lands.
3. Recreational access to the shorelines should be encouraged. Recreational facilities should be located and designed to minimize conflicts with agricultural activities.
4. Agricultural practices should be conducted in a manner that will prevent pollution of the water and minimize erosion and sedimentation within the shoreline area.
5. New developments should reflect the character of the surrounding area by limiting residential density, providing permanent open space and maintaining adequate building setbacks from the water.

### CONSERVANCY ENVIRONMENT

The Conservancy Environment consists of a shoreline areas which are primarily free from intensive development. It is the most suitable designation for shoreline areas of high scenic or historical values, for areas unsuitable for development due to biophysical limitations and for commercial forest lands.

Conservancy areas are intended to maintain their existing character. This designation is designed to protect, conserve, and manage existing natural resources and valuable historic and cultural areas. The preferred uses are those which are nonconsumptive of the physical and biological resources of the area.

### General Policies

1. New developments should be restricted to those which are compatible with the natural and biophysical limitations of the land and water.
2. Commercial and industrial uses other than commercial forestry, agriculture, fisheries and mining should be discouraged.
3. Diverse recreational activities which are compatible with the Conservancy Environment should be encouraged.
4. Development which would be of a hazard to public health and safety or would materially interfere with the natural processes should not be allowed.

5. Residential development should be regulated to maintain an overall density of less than one dwelling unit per acre.
6. The flood hazard overzone regulations shall apply to development within flood plains.
7. Structural flood control devices should be strongly discouraged in the Conservancy Environment.
8. In areas with poorly draining soils developments should not be allowed unless connected to a sewer line.
9. Developments should be regulated so as to minimize the following: erosion or sedimentation, the adverse impact on aquatic habitats and substantial degradation of the existing character of the Conservancy Environment.
10. King County should encourage sustained yield management of natural resources within the Conservancy Environment.

#### NATURAL ENVIRONMENT

The Natural Environment consists of areas characterized by the presence of some unique natural features considered valuable in their undisturbed or original condition and which are relatively intolerant of intensive human use. Such areas should be essentially free from development or be capable of being easily restored to natural condition, and they should be large enough to protect the value of the resource.

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

##### General Policies

1. Natural areas should remain free from all development which would adversely affect their natural character.
2. The intensity and type of uses permitted should be restricted in order to maintain the natural systems and resources in their natural condition.
3. Limited access should be allowed to those areas in the Natural Environment.
4. Uses which are consumptive of the physical and biological resources or which may degrade the actual or potential value of the Natural Environment should be prohibited.
5. Uses and activities in locations adjacent to natural areas should be strictly regulated to insure that the integrity of the Natural Environment is not compromised.

## SHORELINE USE ACTIVITIES

Shoreline use activities are specific uses or groups of similar uses that have been outlined by the Department of Ecology Final Guidelines as being characteristic of the shorelines of the state. They have been formulated as implementing tools to further carry out the intent and policy of this Master Program and the Shoreline Management Act. They also represent a major criterion to be used in evaluating proposed development and alterations to the shoreline environment, with their ultimate influence, to a large extent, dependent upon how well they are enforced.

The policies that make up each use activity have been developed, founded on the premise that all reasonable and appropriate uses require regulatory control. Other provisions such as a view enhancement, public access, erosion control, water quality, long term benefits and aesthetic considerations have also been reflected in policy statements.

Shoreline uses and activities not specifically identified, and for which policies have not been developed, will be evaluated on a case by case basis and will be required to meet the intent of the goals and objectives of this Master Program, the policy of the Shoreline Management Act of 1971, and shall be consistent with the management policy and character of the shoreline Environment in which they propose to locate.

## AGRICULTURE

The best farming soils of King County are predominantly located in the river valleys where many years of river flooding have formed flat floored lowlands of fertile alluvial deposits. These soils, the Oridia-Seattle-Woodinville Association, covering about seven percent of King County, require little or no irrigation and lie over a gravelly subsoil below which the water table drops during the growing season.

Agricultural activities have tended to locate along the river edge in places where the ground water table is accessible and drainage is good. Dairy farms, mostly pasture dependent, are located on the Enumclaw plateau and along the Snoqualmie River Basin. They provide for about 25% of the Puget Sound demand for milk and milk products. Vegetable and small fruit crops are grown in portions of the Green River Valley, Sammamish Valley and on Vashon Island, accounting for up to 50% of the celery, cabbage, lettuce, rhubarb and blueberries grown and sold in the State.

Allocating land to agriculture is a vital commitment of resources although some agricultural land is being lost to other uses. Prime agricultural land lost through conversion must be replaced through additional applications of energy to less naturally productive lands (for example, a ton of synthetic nitrogen fertilizer requires the burning of more than 40,000 cubic feet of natural gas).



Essentially, all rural shorelines agricultural activities include some source of non-point water pollution. In King County, seven pollution types are characteristic and need control considerations: sediment, nutrient, additives, pesticides, salt loads, organic loads and microbial (pathogens).

Alluvial soils which make good farmlands and found in river valleys generally are small particles of earth. They have been deposited over long periods of time through natural erosion. Because of the size of soil particles and the intermittent absence of vegetative cover, croplands and other farmlands are highly susceptible.

Urbanization on plateaus surrounding valleys increases the rate and amount of runoff increasing the potential for erosion of valley soils. As a result, cropland may be the principal source of the total sediment yield in rivers. This source of sediment may contain pollutants. Additionally, commercial fertilizers and pesticides applied to crops may permeate into the water table of the subsoil and concentrate in ground water storage where normal valley drainage is impaired.

Both dairy and cropland farming methods may result in herbicide and pesticide pollution in both the soil and water element. Microbial and organic loads are particularly characteristic of dairy activity surrounding feedlots. Water soluble ammonia from cattle nitrogenous waste may be carried in the breeze close to the ground for hundreds of feet to pollute adjoining waters.

Public access to the shorelines of farms pose additional problems. Public safety from farm machinery and chemicals is a major concern of farm owners. Liability for accidents makes farmers cautious to allow public access to rivers. Farm security is also of concern where damage to crops and animals as well as structures may occur. Extensive areas of farms and continuous operation requirements make supervision of public access difficult for the farm owner.

#### General Policies

1. Property owners in agriculture areas should be encouraged to provide shoreline recreational opportunities consistent with the goal, objectives and policies of the public access element.
2. Shoreline areas with soil particularly suitable for agriculture should be protected from activities which would compromise the agricultural potential of those areas.
3. Lakes and bogs surrounded by farmlands should be maintained and protected as wildlife habitats.
4. In agricultural areas where cattle could gain access to the water body, fences should be constructed upland of a natural vegetation strip to preclude

potential pollution from animal wastes, and sediment created through destruction of the stabilized soil.

5. In agricultural areas abutting the shoreline, a strip of natural vegetation should exist above the ordinary high water mark between the water and agricultural activity to stabilize the soil and entrap sediment.

6. In agricultural areas subject to the dangers of a high water table or flooding, consideration should be given to those activities, crops, or open space which would require no new bank stabilization or flood control measures.

### AQUATIC RESOURCE PRACTICES

Despite expanding world consumption and harvesting of fish and shellfish products, U.S. fish & shellfish landings have been nearly constant over the last twenty years. As a result, the U.S. catch has provided less than a quarter of the fish and shellfish consumed in the United States while national import has been increasing at an annual rate of 14%. During this period, Washington State has accounted for about 6% of the national landings and ranked 8th in dollar value.

Of all facets of economic shoreline activity, production from fisheries is the most vulnerable to massive destruction from an error in environmental control. Close monitoring of water quality and an aggressive policy of pollution abatement and control are mandatory for full realization and sustenance of this economic base.

King County shares a responsibility for the fisheries in three of the seven major Puget Sound estuaries. These three estuaries have much to do with the biological productivity of Puget Sound, the only large estuary in the United States. This estuary is one of only three in the world not dead to commercial fish harvesting.

Aquaculture addresses state hatcheries, commercial hatcheries and beds, and natural hatcheries and beds within King County shorelines. Underwater aquaria are considered as aquaculture although the use is principally recreational.

Aquaculture has two modes:

1. The harvest of uncontained plant and animal populations that exist on the nutrients and foods available in the environment, restock themselves according to the fecundity of the population, and survive as the food and nature allow. On King County shorelines, clam and geoduck digging are examples.

2. Artificial stocking or raising of stock in feedlots or pens using selective breeding and controlled feeding programs for increasing

production and rearing a uniform product. In King County, state hatcheries and state distribution of oyster spat are examples.

Pen culture requires confinement and the presence of fixed structures that compete for space. Pens, rafts and hatcheries require certain environmental conditions to assure the survival of their contained populations. Some of these conditions are small wave forces, good flow, good water quality, temperature limits, good anchoring ground and accessibility and, possibly, good natural food and nutrient supply.

The confinement of fish or shellfish in concentration imposes an extreme biological load in a small area. Dense populations degrade and water quality and deposit heavy fecal sediments below the pens or on the floor of embayments. The principal impacts of aquacultural activity within the shoreline are:

1. Pollutants in the water body such as fish organic wastes and additives for feeding and disease control.
2. Navigation hazards such as holding pens, rafts, nets and stakes.
3. Watercourse alteration to supply water.
4. Netting and flooring of river beds for spawning channels.
5. Shoreline access limitations where shellfish are being protected and contained.

#### General Policies

1. King County support should be given to State Departments of Fisheries and Game to improve stream conditions, open new spawning areas, and establish new fish runs.
2. Pens and structures for commercial aquaculture should not be located on Class I beaches, or swimming beaches.
3. Aquacultural enterprises should be located in areas which would not significantly restrict navigation.
4. In aquaculture enterprises, development of multiple aquaculture systems should be encouraged.
5. Aquacultural structures should use open pile construction where significant littoral drift occurs.
6. Prior to use of an area for aquacultural enterprises, consideration should be given to the capability of the water body to absorb potential wastes.
7. Shoreline areas having extremely high natural potential for aquaculture

should be preserved for that purpose.

## FOREST MANAGEMENT PRACTICES

Almost fifty percent of the total land area of King County is forest land, and of this over sixty percent is classified as principal forest. At the same time these forest lands contain a bountiful resource. As a result, industries based on timber and fish resources have flourished in the County since pioneer days. Today, both industries are still vitally important to our economy. If they are to flourish in the future, however, the resources must be managed wisely.

The West Coast Douglas-Fir Region supports five species of anadromous salmon and two species of anadromous trout as well as resident fish. Resident fish live in fresh water streams and lakes all year, and several anadromous species spend up to their first year in such areas before going to the ocean. Salmon and trout require a high quality environment, preferring clean, cool, well-oxygenated streams, and they have been known to use streams with flow as little as 0.01 cfs. In order to preserve our fish resource in forested areas, we must protect all streams at all times of the year. This means not only wise stream management but wise forest management. The following set of general policies is aimed at controlling the activities of forest harvesters for the protection of forest and fish resources for present and future use, not only by timber and fisheries interests, but for all the residents of the County and the state.

1. All forest management and harvesting practices in shoreline areas should be conducted to cause the least possible adverse impacts on the land and water environment, should respect the natural character of the shoreline, and should make every effort to preserve wildlife, aquatic life, and their habitats.
2. Shorelines having outstanding scenic qualities should be left in a substantial natural condition. Timber harvest in such areas should be limited to selective cutting, and logging roads which would destroy the natural views of these areas should be prohibited.
3. Timber harvest in unique and fragile areas should be prohibited, except as a measure to enhance or protect the area.
4. All roads, railroads and trails should be constructed and maintained to minimize or preclude erosion.
5. Road and bridge construction should be carried out in that time of year which will prevent harmful effects on wildlife, aquatic life and their habitat, and serious soil erosion.

6. All cut, filled, and side cast slopes should be planted or seeded with appropriate ground cover or otherwise treated to prevent erosion of the slope.
7. All ruts and erodable soil conditions caused by timber harvest operations should be water-barred or planted with appropriate ground cover.
8. All road design and construction should minimize the number of waterway crossings and avoid unnecessary duplication of road systems by making use of existing roads where practical. Where roads traverse land in another ownership, but still adequately serve the operation, attempts should be made to negotiate with the owner for use of such roads before construction of new roads.
9. Land being harvested of timber prior to changing the land to a non-timber production use need not be regenerated if the new use is substantially within one year of the harvest. However, proper erosion control measures should be taken in cases where stream degradation is possible in the interim period.
10. In shoreline areas which are unsuited for the production of wood fibre, such as lakes, marshes, bogs, swamps, springs, wet meadows or grasslands, protective and vegetative cover should be maintained as wildlife habitats.
11. Whenever seeding, planting, or other soil stabilizing measures are specified, it should be done as soon as practical according to good forest practices.

#### COMMERCIAL DEVELOPMENT

Commercial development pertains generally to the use or construction of facilities for transaction and sale of goods and services as opposed to industrial development (treatment together with ports) which pertains to the design and fabrication of products.

Commercial uses which are not shoreline dependent or water oriented are encouraged to site on upland plateaus.

Commercial developments in King County shorelines range from small businesses within residences to high-rise office buildings. In general shoreline dependent and water oriented commerce are one or a combination of two types: commercial non-sales and commercial sales.

Commercial non-sales consist primarily of commercial moorage and boat launching. Terminal transfer facilities which are a form of non-sales commerce, are addressed in the "Ports and Industry" Use Activity. Commercial sales include storage, rental and sales of water vehicles and equipment, access, shoreline artifacts, food and services.

The principal impact factors upon the shoreline from commercial development are pollutants (e.g., erosion, sedimentary, chemical and microbial) and aesthetic destruction. Erosive pollutants from commercial development are generated from surface runoff and both surface and sub-surface subsidence. Chemical pollution is derived from fuel spillage. Microbial loading arises from poor containment of organic wastes associated with human habitation and recreational activities.

#### General Policies

1. Boat moorage, launching facilities and other services should be located where existing vehicular access and parking are available or can be made available without disruption of the shoreline environment.
2. Shoreline embankments of launching and servicing facilities should be stabilized both above and below the water's edge.
3. Consideration should be made of the effect a structure will have on a scenic value.
4. Commercial structures and ancillary facilities that are not shoreline dependent or water-oriented should be placed inland away from the immediate water's edge.
5. Overwater commercial structures should be discouraged but, where allowed, should provide safe public access to the water and promote aesthetic and visual values for public benefit.
6. The use of porous materials should be encouraged for paved areas to allow water to penetrate and percolate into the soil. Use of holding systems should be encouraged to control the runoff rate from parking lots and roof tops.
7. Commercial enterprises locating within shoreline areas should be constructed to withstand normal rain and flooding conditions without contributing pollution to the watercourse or shoreline.
8. Commercial development which is not shoreline dependent should provide a buffer zone of vegetation for erosion control.

#### PLEASURE BOAT MARINAS

Marinas are essentially port facilities for land-water transfer that provide launching, storage, moorage supplies and service for pleasure boats, as well as parking areas for automobiles. They also serve as fueling stops.

havens of refuge, and destination points for boaters. In addition to their utilitarian use, they offer a great variety of activities for just watching. Marina construction is of two basic types: open-type construction (floating breakwater and/or open pile work), and solid-type construction (bulkhead and/or landfill). Boat storage associated with marinas can be wet, dry, covered, uncovered or stacked.

Due to a high percentage of boat ownership in King County and the Puget Sound area, and the great demand for boat storage and launching facilities, the County's shorelines will continue to be heavily pressured for this type of use.

Depending on their size, marinas are hubs of activity for boat and automobile traffic. They generate noise, air and water pollution and are prominent space users of land, shoreline and water. Depending on the type of construction, marinas affect fish and shellfish habitats.

The following policies are directed toward marina and other boat launch development on King County shorelines. They should take minimal shoreline space, be separated from swimming areas and be designed to protect fish and shellfish habitats and water quality.

#### General Policies

1. Marinas should be distributed regionally for convenient and water access only to the extent of the region's land and water carrying capacity and balanced against other shoreline dependent uses.
2. Local governments should coordinate in the planning and development of regional marina facilities for multi-jurisdictional use.
3. Marinas should be located with regard to most favorable physiographic conditions, such as wind and current protection, and adequate water depth for expected boat drafts.
4. Shallow water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.
5. Marinas should be located and designed in a manner than will minimize environmental pollution.
6. Marinas should be located within existing or potential high intensity use areas and at shoreline locations adjacent to waters used for navigation.
7. Marina development and ancillary facilities should be designed to use minimal shoreline.

8. Vehicular access to marinas should be confined so that which supports a shoreline dependent use.
9. Parking areas that serve marinas shall conform to the parking regulations of the "Transportation Facilities" Use Activity".
10. Land-water access to marinas should be planned to minimize traffic congestion and to minimize pedestrian/vehicle conflicts.
11. Boats should be dry stored whenever possible to retain shoreline for other shoreline dependent uses or so that the greatest number of boats per front foot of shoreline can be accommodated.
12. The general public should be allowed use of the marina except in specific areas that may require security.
13. Viewpoints, walkways, picnic facilities, benches, telephones, restrooms, drinking fountains and other public use facilities should be encouraged.
14. Covered moorage should be discouraged except for repair or construction activity.

#### MINING

The Puget Sound area is particularly rich in reserves of non-metallic minerals. Sand, gravel, clay, coal, cement, and stone are produced in quantity for the construction industry, and comprise over ninety-six percent of the total recorded mineral production value in the area.

Although the total amount of land that is presently occupied by mines or will be needed for future mineral industries is extremely small, the need for land for these industries is extremely critical.

In King County, in the 115 years of mining, a total of approximately 700 acres of land has been disturbed by surface mining activities (or about one square mile), and although the land area involved is very small, the dollar value of minerals produced is rather large. Thus there is tremendous pressure to exploit further our mineral resources.

Many of the most valuable deposits of sand and gravel are located on the marine shoreline and in or near the beds of rivers. The conflicts between economic interest and environmental concern in these situations is obvious, but with good management of both the shoreline resource and the mineral resource those conflicts can be addressed and resolved without harm to either. These policies do not attempt to disallow utilization of the mineral resource. Rather, their intent is to protect the shoreline resource.

### General Policies

1. Mining in unique and fragile areas should not be allowed.
2. Consumptive and extractive industries should allow the natural shoreline systems to function with a minimum of disruption during their operations and should return the site to as near natural a state as possible upon their completion.
3. Mining in or under the waters of shorelines of the state in King County should be discouraged.

## OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

Outdoor advertisements and signs are publicly displayed messages designed to provide information, direction or advertising, and may be pleasing or distracting depending upon their number, design and location. The proliferation of signs has generally resulted in the reduced effectiveness of individual signs as well as having caused dangerous conflicts between advertising signs and traffic control signs. The uncontrolled use of signs and their insistent demand for attention can be detrimental to surrounding property values and may seriously detract from the enjoyment, pleasure, and the natural beauty of the shoreline. The following policies and regulations are written from the perspective that the shoreline character and attractiveness should be protected to the greatest extent possible from the ill effects of signs.

### General Policies

1. Vistas and viewpoints should be free from unnecessary signs.
2. Signs, when permitted, should be placed so as not to impair view of the water or impair view upland from the water except where dangerous conditions require warning signs.
3. Warning signs should be installed by King County or by other appropriate entities where hazardous conditions may exist.
4. Advertising signs when permitted should be limited to shoreline areas of high intensity use.
5. Signs in shoreline areas should be maintained in a state of security, safety and repair.
6. Any new sign codes for King County should recognize the unique aesthetic character and ecological qualities of shoreline areas.

## UTILITIES

Few, if any, utility systems could be installed completely without coming under the jurisdiction of this Master Program. The focus of the policies

in this section is on how these utility facilities within the wetland area can be planned, designed, constructed, maintained and rehabilitated to be consistent with the intent of the Shoreline Management Act of 1971.

Types of utility facilities in King County vary from regional transmission by trunklines, pipelines and transmission lines to subregional distribution facilities. These are essentially pipes and wires. Regional facilities generally are high voltage or high pressure systems with substantial potential impact in case of failure. Their impacts on the environment are generally greater also because of their scale and safety requirements.

The types of utilities covered are communications (radio, T.V., telephone), energy distribution (petroleum products, natural gas, and electricity), water, sanitary sewers, and storm sewers. Solid waste utilities are discussed as a separate Use Activity in this Master Program.

#### General Policies

1. Utilities which lead growth should not be extended into any wetland or along shorelines without prior approval of such extension by appropriate land use authority.
2. Utilities located in wetlands inappropriate for development should not make service available to those areas.
3. In developed wetlands not served by utilities, utility construction should be encouraged to locate where it can be shown that water quality will be maintained or improved.
4. King County should be consulted prior to or at the time of application for construction of regional utility facilities to be located in or along shorelines or wetlands.
5. Utility corridors crossing shorelines of the state should be encouraged to consolidate and concentrate or share rights-of-way where:
  - a. Public access (including view) would be improved.
  - b. Concentration or sharing would not hinder the ability of the utility systems to be installed, operated or maintained safely.
  - c. Water quality would be as good or better than if separate corridors were present.
6. Public access consistent with public safety and security should be encouraged where rights-of-way for regional utility facilities cross shorelines of the state.

7. New utility facilities should be located so as neither to require extensive shoreline protection nor to restrict water flow, circulation or navigation.

8. Utility facilities and rights-of-way should be selected to preserve the natural landscape and minimize conflicts with present and planned uses of the land on which they are located.

9. New utility routes should be designed to minimize detrimental visual impact from the water and adjacent uplands.

## PORTS AND INDUSTRIES

King County principal port lands extend up the Duwamish River a little over a mile and one-half from Seattle City Limits. An Industrial Development District, authorized by Legislation in 1951, in Seattle and King County is being developed by the Port of Seattle. Financial support of the District is achieved primarily through fees for facility or land leasing, tax levies, bonds, and a percentage of State tidelands lease money.

The right bank of the waterway is lined with large industries, some of which are neither shoreline dependent nor water oriented. The left bank is largely undeveloped flat land backed by a major thoroughfare, West Marginal Way South. Users of this land have little interaction with the water course, but are so located for access to the thoroughfare. A navigable channel one hundred feet wide is maintained to depths of nine to thirteen feet.

A wide variety of deep and shallow water oriented industries could be located along the Duwamish Waterway. These Industries may compete for the shoreline when the Duwamish River is adequately prepared for them. Examples are: Public and private terminal facilities, marine construction, boat builders, sand and gravel, etc.

Puget Sound will be impacted by changing bulk shipping technology. By 1980, 200,000 to 300,000 ton bulk carriers requiring channel depths from 60 to 90 feet will be standard. The unique deep water of Puget Sound will be attractive for the operation of these ships. Obviously, increasing pressure will be brought to bear for accommodation such as:

1. Off-shore facilities, floating docks, artificial islands, submerged pipes, barges and other mechanisms for loading and unloading ships.
2. Deep water piers or docks established along the coastline where no harbor exists.

Other industrial shoreline concentrations exist on streams, lakes and marine waters in King County. A number of these industries are not water oriented. The principal impacts upon the shoreline from port and industrial users are

pollutants (e.g., sedimentary, chemical, thermal and microbial), intensive use, erosion, aesthetic destruction and natural habitat alteration.

#### General Policies

1. To preclude wasteful use of the shoreline, allocation for port use should be made on a regional basis.
2. Industrial docks and piers should be designed to minimize adverse impact of such facilities upon other shoreline dependent uses and other shoreline resources.
3. Ports and shoreline dependent industry should be encouraged to provide public access to the watercourse, consistent with public safety, public health, and security.
4. Industrial and commercial activities should share overwater structures and shoreline facilities.
5. Maintenance of continuous, good quality water flow in cut-off oxbows resulting from channel alteration for port use should be considered to help retain available fish and wildlife habitats, and increase recreational opportunities.
6. Erosion resistant vegetation cover should be planted between cleared land and the shoreline to protect the water element.
7. Industrial uses which are not shoreline dependent should be located away from the shoreline.
8. Shorelines of the State in King County should not include port and storage facilities for deep draft oil tankers.
9. Offshore facilities, floating docks and artificial islands for deep water port expansion should not be permitted until it is known with certainty that such development or expansion will not harm the marine environment or diminish the natural productivity of the estuarine system of Puget Sound.
10. Water reclamation and power plants and sewage treatment facilities should be located where they are compatible and do not interfere with recreational, residential, or other public uses of the shoreline.

#### BREAKWATERS

Breakwaters are off-shore structures often linked to the shore, designed to absorb and reflect back onto the water body the energy of waves so as to protect the shore behind them. They are generally constructed either as

solid walls which tend to be most effective in reducing wave energy behind the structure, or as floating structures which often are not sufficient to withstand waves of high energy. In that beach accumulation and general sand mobility is caused by wave, current and tidal action, breakwaters may have dramatic effects on beach formation and sand movement. Solid breakwaters tend to have a greater impact on sand movement than do floating breakwaters. Conversely, floating breakwaters tend to be more expensive.

#### General Policies

1. Breakwater construction should only be considered in marine shoreline environments where protection from high wave action is desirable and essential.
2. Breakwaters should be constructed only where shoreline dependent users are located seaward of the existing shoreline.
3. Reduction of the opportunity to use surface water area which may result from breakwater construction, should be weighed against the benefits of reduced wave action.
4. Applicants for breakwaters should consider both solid and floating breakwaters and the advantages and disadvantages of each type on debris accumulation, sand movement and aquatic habitats at the proposed location.
5. Breakwater design should include provisions for compatible recreational uses when consistent with navigation and when public safety can be assured.
6. Care should be exercised in location, design, construction and expansion of breakwaters relative to the shoreline environment and other shoreline dependent uses.

#### JETTIES & GROINS

Jetties and groins are structures constructed primarily to affect the movement of sand. Jetties are constructed of rock, steel or concrete at the mouths of rivers to prevent sand from blocking river channels and hindering navigation. Groins, on the other hand, are barrier-type structures of rock, wooden piling or other materials constructed across the beach itself and extending into the water. The effects of both jetties and groins is to obstruct the sand contained in the littoral drift. Jetties trap it away from navigation routes while groins trap it for beach purposes. Where there is a relatively small amount of sand available in the littoral drift, both types of structures may tend to starve those areas down drift.

Trapping sand, similar to beach feeding and some other types of land augmentation, will have an effect upon plant and animal life to some degree. In areas of significant sand migration along the shoreline sand may cover

aquatic life while the consequential effects in other areas may be very small. In each case, seasonal changes in wind direction, the locations of sources of beach parent material and the quantity of sand trapped by such structures effect the impacts they may have.

#### General Policies

1. Beach feeding should be considered where jetties or groins starve down drift shorelines.
2. Jetties and groins should not be constructed in areas where they tend significantly disturb the natural cycles of aquatic and terrestrial biota.
3. Public access for shoreline dependent or water oriented activities to jetties and groins should be encouraged when consistent with public safety.
4. Care must be exercised in location, design, construction and expansion of jetties and groins relative to the shoreline environment and other shoreline dependent uses.

### LANDFILL

The earth's surface evolved over several million years producing a topography constantly in a state of natural fluctuation. Man, among his other activities on the earth's surface, has participated in manipulating surface substance adding his own influence to the fluctuation. Land fill has been used within King County to create usable land by adding or displacing material in order to remove obstructions for development. Since the purpose has been to create land usable for specific developments from land not previously usable for the developments, seldom were the natural systems considered. Fill commonly destroys vegetation subsequently eliminating habitat. It may also cover animal life or breeding and spawning grounds. The policies contained herein are intended to focus on these and other aspects of natural systems affected by man-made landfill, cuts, excavations and site grading actions, while at the same time, recognizing man's needs.

#### General Policies

1. Landfill, except for beach feeding, should be discouraged in areas of high shoreline erosion potential.
2. Landfill should be deposited so as to minimize disruption of normal surface and ground water passage.
3. Landfill should allow surface water penetration into the ground water supply where such conditions existed prior to fill.
4. Landfill should be located landward of the ordinary high water mark.

except for beach feeding and for landfill serving shoreline dependent or public uses having an over-riding public interest, provided that such landfill shall be allowed only after full consideration is given to factors such as total water surface reduction, impediment to water flow and circulation, reduction of water quality and destruction of habitat. Landfill within the 100 year flood plain should not reduce the river channel or flood plain water storage capacity or in any way increase flood hazard so as to endanger public safety.

5. Land should be filled only after some ultimate use of the property is approved by King County in accordance with the Comprehensive Plan and this Shoreline Master Program.

6. Landfill should be done at such time as to minimize damage to water quality and aquatic life.

7. Beach feeding areas may be established and approved by King County on Lake Washington, Lake Sammamish and the marine shoreline.

8. Landfill should be permitted only in conjunction with shoreline dependent uses; landfill for uses not so dependent should be discouraged.

#### SOLID WASTE

King County is Washington's most populous county. In addition, it lies within an area which is rapidly growing and urbanizing. As such, King County generates the largest volume of solid waste in the state. However, urban pressures make disposal of such waste an ever-increasing problem. As more vacant land gives way to urban expansion, there is not only the problem of more people and more solid waste, but there is at the same time becoming less and less space available for the disposal of waste. This does not mean that we need be careless in siting solid waste disposal facilities. Rather, it points to the necessity of coordinated planning for those facilities.

Solid waste disposal can be a threat to health and safety wherever it occurs, but it poses particular problems in shoreline areas. Not only is it a physical and visual blight, but leachate from solid waste landfill can contaminate lakes and streams, thus endangering public health and wildlife. It is the intent of the following policies to protect the shoreline resource from the potential of solid waste.

#### General Policies

1. Shorelines should not be used for transfer stations, storage or disposal of solid waste. Where such activities are presently on shorelines they should be phased out and rehabilitated as soon as possible.

2. King County shall endorse and assist in the implementation of a regional solid waste disposal comprehensive plan.

## DREDGING

Dredging is one of the most extensive construction activities in the rivers and harbors of the Pacific Northwest. Each year dredging operations remove and redeposit millions of cubic yards of materials in Washington alone. Dredge spoil varies from clean river sand to organic sludge. Some of this material is deposited on land, but a significant portion is dumped back into the water or immediately adjacent to the water.

Of all activities on shorelines, dredging poses one of the largest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment in the following ways: (1) temporary reduction of water clarity from suspended sediments, (2) loss of aquatic plants and animals by direct removal or from the sedimentation of suspended materials, (3) alternation of the nutrient and oxygen levels of the water column, and (4) suspension of toxic materials from the sediments into the water column.

### General Policies

1. Dredging and excavation in unique and fragile areas should not be allowed.
2. In all cases, dredging and excavation operations should be conducted to minimize adverse effects on the shoreline development.
3. Dredging operations should be scheduled so as to not materially interfere with the movements of fish.
4. When dredge spoil has suitable organic and physical properties, dredging operators should be encouraged to recycle dredged material into areas of the County suitable for agricultural practices.
5. Local and regional planning for development of long-term disposal sites for dredging spoils should be initiated by King County.
6. Shoreline areas where dredging and excavation and the disposal of dredge and excavation spoil are prohibited should be defined and designated.

## SHORELINE PROTECTION

Shoreline protection is action taken to reduce adverse impacts caused by current, flood, wake or wave action. This action includes all structural and non-structural means to reduce these impacts due to flooding, erosion, and accretion. Specific structural and non-structural means included in this use activity are bulkheads, rip-rap, bank stabilization and other revetments, dikes, levees, flood control dams, berms and other means of shoreline protection.

The means taken to reduce damage caused by erosion, accretion and flooding must recognize the positive aspects of each, so that the benefits of these natural occurrences will be retained, even as the problems are dealt with. Valleys are caused by erosion over time during which a river establishes its drainageway. Erosion does not exist without accretion of material eroded, be it a bench or a sandbar. Likewise, accretion cannot occur unless material has been eroded. Floods may be reduced by structural means to prevent flooding of specific areas. Dams may reduce flooding over a larger area. Damage from floods can often be reduced simply by restricting the type of development within a 100 year flood plain. While floods produce damage, it is the flood-borne silt which created the alluvial flood plain soils.

#### General Policies

1. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage.
2. Planning of shoreline protection should encompass entire river systems and/or sizeable stretches of lake or marine shorelines. This planning should consider off-site erosion, accretion or flood damage that might occur as a result of shoreline protection structures or activities.
3. Shoreline protection on marine and lake shorelines should not be used as the reason for creating new or newly usable land.
4. Shoreline protection structures should allow passage of ground and surface waters into the main water body.
5. Shoreline protection should not reduce the volume and storage capacity of rivers and adjacent wetlands or flood plains.
6. River shoreline protection should be planned, designed and constructed to allow for channel migration whenever possible.
7. Whenever shoreline protection is needed, natural berms and vegetation should be favored over artificial means.
8. The burden of proof for the need for shoreline protection to protect existing or proposed developments rests on the applicant(s).
9. Shoreline protection activities which may necessitate new or increased shoreline protection on the same or other affected properties where there has been no previous need for protection, should be discouraged.
10. New development not shoreline dependent should be encouraged to locate so as not to require shoreline protection.

11. Urban areas requiring a stabilized land-water boundary may use shoreline protection measures.
12. Areas of significance in the spawning, nesting, rearing or residency of aquatic and terrestrial biota should be given special consideration in reviewing of shoreline protection actions.
13. Shoreline protection actions should be discouraged in areas where they would block beach parent material.
14. Multiple use of shoreline protection structures or non-structural solutions should be encouraged.

### TRANSPORTATION FACILITIES

The circulation network use category, comprising transportation facilities such as roads<sup>1</sup>, railroads, airports, bridges, trails and related terminals, accounts for only one percent of the total shoreline inventory of land uses in King County<sup>2</sup>. However, the impact of those facilities on shorelines has been substantial. Many of the existing facilities were constructed to serve transportation needs of the moment with a minimum expenditure and very little assessment of their primary or secondary impacts on shoreline aesthetics, public access to the water and resultant effects on adjacent properties and water quality. Planning for new transportation facilities within the shoreline area today requires a greater awareness of the environmental impacts those transportation facilities will have on shorelines in addition to the necessity for integrating future shoreline land use plans with the transportation system that serves developments on the shoreline.

#### General Policies

1. Pedestrian access should be built where access to public shorelines is desirable and has been cut off by linear transportation corridors. New linear facilities should enable pedestrian access to public shorelines where access is desirable.
2. New surface transportation facilities not related to and necessary for the support of shoreline activities should be set back from the ordinary high water mark far enough to make unnecessary protective measures such as rip rap or other bank stabilization, landfill, bulkheads, groins, jetties or substantial site regrade.
3. Shoreline transportation facilities should be encouraged to include in their design and development multi-modal provisions where public safety can be assured.
4. Shoreline transportation facilities should be planned to fit the topography to minimize cuts and fills, and should be designed, located and maintained to minimize erosion and degradation of water quality and to give special

consideration to shoreline aesthetics.

5. Transportation and utility facilities should be encouraged to coordinate joint use of rights-of-way and to consolidate crossings of water bodies when adverse impact to the shoreline can be minimized by doing so.
6. Transportation facilities should avoid shoreline areas known to contain development hazards (e.g. slide and slump areas, poor foundation soils, marshes).
7. Transportation facilities should minimize shoreline rights-of-way by orienting generally perpendicular to the shoreline where topographic conditions will allow.
8. Shoreline roadways should have a high priority for arterial beautification funds.
9. Transportation facilities crossing 100 year flood plains should be constructed on a low profile design so as not to serve as dikes or levees to flood waters.
10. Water surface mass transit should be encouraged.
11. Abandoned road or railroad rights-of-way which contain unique shoreline amenities should be acquired for public benefit.
12. Roads should not be cantilevered over any streamway in King County if there are feasible alternatives.
13. King County should extend its trail and bicycle trail system, particularly as it relates to shorelines, to eastern King County.
14. All transportation facilities in shoreline areas should be constructed and maintained to cause the least possible adverse impacts on the land and water environments, should respect the natural character of the shoreline, and should make every effort to preserve wildlife, aquatic life and their habitats.

#### PIERS & MOORAGES

A pier is a structure built over or floating upon the water extending from the shore. Some are used as a landing place for marine transport or for recreational

1. Logging road standards and regulations are part of the "Forest Management Practices" Use Activity.
2. King County Summary Shoreline Inventory, December 1972.

watercraft. Piers are designed and constructed as either water (floating) or pile supported, both of which have positive and negative environmental aspects. Floating piers generally have less of a visual impact than those on piling and they provide excellent protection for swimmers from boat traffic. Floating piers, however, interrupt littoral drift and can starve down current beaches where pile piers do not. Pile piers can provide a diverse habitat for marine life and both types create impediments to boat traffic and near-shore trolling. Pier construction requires regulation to protect navigation rights, to preserve shoreline aesthetics and to maintain the usable water surface and aquatic lands for life forms characteristic and important to those areas.

1. Open pile pier construction should be preferred where there is significant littoral drift, where scenic values will not be impaired and where minimal alternation to the shoreline and minimal damage to aquatic resources can be assured.
2. Floating pier construction should be preferred in those areas where scenic values are high.
3. Piers should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier construction.
4. The random proliferation of single purpose piers should be discouraged. Preference should be given to shared use of piers in all shoreline areas.
5. Temporary moorages should be permitted for vessels used in the construction of shoreline facilities. The design and construction of such moorages shall be such that upon termination of the project the aquatic life can be returned to their original condition within one year at no cost to the environment or the public.
6. Shoreline structures that are abandoned or structurally unsafe should be abated.
7. Substantial additions or alterations, including but not limited to substantial developments should be in conformance with the policies and regulations set forth in the Master Program.
8. Piers on streamways under King County's jurisdiction should be limited to piers for shoreline dependent uses and should only be located within navigable segments of estuarine classified zones<sup>1</sup> of those streamways.
9. Piers, docks, bouys and other moorages should only be authorized after consideration of:
  - a. The effect such structures have on wildlife and aquatic life, water

quality, scenic and aesthetic values, unique and fragile areas, submerged lands, and shoreline vegetation.

- b. The effect such structures have on navigation, water circulation, recreational and commercial boating, sediment movement and littoral drift and shoreline access.

10. The policies contained herein should be enforced through the applicable chapter of the King County Code.

11. Moorage buoys should be preferred over floating and pile constructed piers on all tidal waters.

### RECREATION

Recreational experiences that depend on or utilize the shoreline include: harvesting activities of fish, shellfish, fowl, minerals and driftwood; various forms of boating, swimming and shoreline pathways; watching or recording activities, such as photography, painting, or the viewing of water dependent commercial, industrial or port activities. Principal focal points are at parks and access beaches, road ends, viewpoints, features of special interests, water-access points and destination points for boaters. Additional focal points could be at commercial, industrial, and port-activity areas. Facilities at these focal points may include fishing piers, swimming floats, paths, and parking areas; boat ramps; moorings and marinas, and accessory recreational facilities.

The management of recreational land is determined by balancing the recreational carrying capacity (or impact of the environment on people), and the ecological carrying capacity (the impact of people on the environment). Measures to accomplish this are by designation of areas for use-intensity, interpretation and regulation. The use-intensity areas range from low development and low-use intensity, to more refined and intensive development and high-use intensity. These different recreational-use areas very generally coincide with the four Environments -- Natural, Conservancy, Rural and Urban. There are multiple benefits derived from the park program; for example: recreational lands contribute substantially to open space by conservation of land, preserving historic sites, offering aesthetic relief and variety, contributing to a healthful environment, and shaping and preserving the regional form. In addition to the provisions of recreational opportunities, King County coordinates with other governmental agencies, commercial and volunteer groups to provide these opportunities for the public. The policies are directed toward providing an optimum variety of shoreline dependent and water oriented recreational opportunities. They are also directed at protecting health and safety by separating incompatible activities and channeling them into their most appropriate Environments.

### General Policies

1. The development of recreational acquisition plans should give emphasis to the acquisition of prime recreation lands prior to their being preempted for other uses.
2. In open spaces having an established sense of nature, improvements should be limited to those that are necessary and unlikely to detract from the primary values of the site.
3. The siting of all developments should aim to enhance and protect the area concerned.
4. Structural forms should harmonize the topography, reinforce the use area, minimize damage to natural resources, and support recreation with minimal conflict.
5. New buildings should be made sympathetic to the scale, form, and proportion of older development, to promote harmony in the visual relationships and transitions between new and older buildings.
6. Whenever possible, natural materials should be used in developing shore recreational areas.
7. Artificial irrigation and fertilization should be restricted to high-intensity use areas.
8. Existing buildings that enhance the character of the shoreline should be used for recreation wherever possible.
9. Underwater parks should be extensions of shoreline parks, or be created or enhanced by artificial reefs where natural conditions or aquatic life could be observed minimally interfered with.
10. Public recreational shoreline areas should serve as emergency havens of refuge for boaters.
11. Physical and/or visual access to the water should use steep slopes, view points from bluffs, stream valleys, and features of special interest, where it is possible to place pathways consistent with public safety without requiring extensive flood or erosion protection.
12. The acquisition of public easements to the shoreline through private or quasi-public shorelines should be encouraged.
13. Existing public recreation shorelines should be restored where it is possible to revegetate, re-site roads and parking areas that are close to the

shoreline, remove stream channelization and shoreline protection devices, when the facility has either deteriorated or is inconsistent with the general goals of this program.

14. Prime fishing areas should be given priority for recreational use.

15. Boating activities that increase shore erosion should be discouraged.

16. Effective interpretation should be provided to raise the quality of visitor experiences and to provide an understanding of the resource.

## RESIDENTIAL DEVELOPMENT

The developed shorelines in King County are currently more widely used for residential purposes than for any other competing use. Much of the undeveloped shoreline is privately-owned, subdivided into small lots and zoned to permit residential development.

The pressure to develop additional shorelines for residential uses has continued to result in property subdivision and escalating waterfront land values. Residential development of shorelines is accomplished in a variety of ways from large plats and subdivisions for multi-family dwellings to single lot development for recreational housing any of which, if poorly planned, can culminate in the degradation of the shoreline environment and water resource.

The Shoreline Management Act of 1971 specifically exempts "construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or the use of his family..." from its permit requirements. However, even though single family homes are not considered substantial developments the intent of the Act has established the basis for planning and regulating them.

### General Policies

1. Residential developments should be permitted only where there are adequate provisions for utilities, circulation, access, site layout and building design.
2. The use of the planned unit development (PUD) concept should be encouraged for residential developments within the shoreline area so that all facets of the development can be examined at the time of initial application.
3. Subdivisions should be designed at a level of density, site coverage and occupancy compatible with the physical capabilities of the shoreline and waterbody.
4. Residential development plans submitted for approval should contain provisions for protection of groundwater supplies, erosion control, landscaping and maintenance of the shoreline integrity.

5. Residential subdivisions should be designed so as to protect water quality, shoreline aesthetic characteristics, vistas and normal public use of the water.
6. Subdivisions should provide public pedestrian access to the shorelines within the development in accordance with Public Access Element of this Master Program.
7. The established velocity, quantity and quality of storm water discharge should be considered in terms of the sensitivity of the proposed receiving environment. The disposal mode selected should minimize changes in infiltration, runoff and groundwater recharge.
8. Developers of recreational projects such as summer homes, cabins, campgrounds and similar facilities should satisfactorily demonstrate:
  - (a) the suitability of the site to accommodate proposed development without adversely affecting the shoreline environment and water resource.
  - (b) adequate provisions for all necessary utilities including refuse disposal,
  - (c) the compatibility of the development with adjacent properties and surrounding land uses, and
  - (d) that recreational opportunity exists on the site and does not depend on adjacent public land to furnish the activity.
9. Streets, roadways and roadway easements, whether publicly or privately owned, within the boundaries of any waterfront parcel, should not be used to compute lot area, lot dimensions, yards, open space or other required conditions of land subdivision or development.

## GLOSSARY

Billboard - A sign containing a message, commercial or other visual communication unrelated to any use or activity on the property on which the sign is located.

Buffer Zone or Buffer Strip - An area of land which (1) serves to reduce the adverse impacts between land uses of different intensities or (2) serves to separate or identify transitions between land uses of the same intensity.

Campground - An outdoor recreational facility or resort with permanent camping sites or installations.

Cull - Defective or low grade timber.

Designated Shorelines - Shorelines and shorelines of statewide significance.

Embankment Fill Slopes - Fill slopes compacted by equipment.

End Haul - The transportation of excess excavation material along the road surface to construct a road of balanced design.

Fetch - The distance from one shore to the opposite shore measured perpendicular to the shoreline.

Forest Management - The application of scientific, economic, and social principles to the administration and working of a forest property for specific objectives.

Freestanding Sign - A single or multiple-faced sign, supported from the ground by one or more columns, uprights or braces.

Ground Water Table (Level) - The upper surface of the underground zone of saturation.

Impervious - Impenetrable, not allowing fluid flow.

Jetty - An artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment.

Landing - A place at which logs are assembled for transportation in loads or rafts.

Left Bank - The left shore of a river or stream as determined by facing downstream.

Merchantable - That portion of a tree or stand which can be marketed under given economic conditions, even if so situated as not to be immediately accessible for logging.

Mulching - The addition of materials (usually organic) to the land surface to curtail erosion or to retain soil moisture.

Multiple Use - The combining of compatible uses within one development. The major use or activity must be shoreline dependent. The major use or activity must be in terms of both dollar value and commitment of land.

Node - A concentration of activity or development generally located at a point along a route.

Non-designated Shorelines - (a) those shorelines on streams, upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less the wetlands associated with such upstream segments; and (b) shorelines on lakes less than twenty (20) acres in size and the wetlands associated with such lakes.

Regeneration - The renewal of a tree crop, whether by natural or artificial means.

Right Bank - The right shore of a river or stream as determined by facing downstream.

Run-off - That part of precipitation that flows over the land surface from the area upon which it falls.

Side Cast Slopes - Slopes compacted by natural settling over time.

Shorelands - Lands bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability.

Shoreline Dependent and Shoreline Dependent Uses - All uses which can only exist in a location where the land water interface provides biological or physical conditions necessary for the use.

Specific Gravity - The weight per unit of a material by the weight per unit of water. Materials with a specific gravity less than 1.0 float on water.

Subdivision - For the purpose of this Master Program subdivision means the division of land into two or more lots, tracts, sites or divisions for the purpose of sale, lease, transfer or development and shall include all re-subdivision of land and planned unit developments.

Stringer Bridge - A bridge constructed of lengths of timber supporting a number of small transverse members.

Tidelands - The beds and shores of navigable tidal waters lying between the line of ordinary high tide and the line of extreme low tide.

Tolerant of Human Activity - Those areas that are not ecologically sensitive, hazardous or scientifically significant.

Unique and Fragile Areas - Those portions of the shoreline which (1) contain or substantially contribute to the maintenance of endangered or valuable forms of life; or (2) contain steep slopes, marshes or other areas having unstable or potentially hazardous topographic, geologic or hydrologic features; or (3) have significant historical, cultural, scientific or educational value.

Water Barring - Diverting surface water by a berm, ditch, log or other diversion method away from an area.

Water Oriented Uses - All uses which gain substantial benefit from the proximity of water but are able to function independent of the water environment.

Yarding - The operation of transporting timber from the cutting area to a yard or landing.



SHORELINE MANAGEMENT

Title 25  
SHORELINE MANAGEMENT

Chapters:

- 25.04 Purpose - Title - Scope
- 25.08 Definitions
- 25.12 Environment Designations
- 25.16 Urban Environment
- 25.20 Rural Environment
- 25.24 Conservancy Environment
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CROSS-REFERENCE:

For provisions regarding nondelinquent property tax certification, see Ch. 4.68 of this code.

**Chapter 25.04**  
**PURPOSE - TITLE - SCOPE**

**Sections:**

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| 25.04.020 | Citation.                                   |
| 25.04.030 | Scope.                                      |
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| 25.04.060 | Severability.                               |

**25.04.010 Purpose.** The purpose of this title is to implement the Shoreline Management Act of 1971 and to provide for the regulation of development which impacts those areas of King County under the jurisdiction of the Shoreline Management Act consistent with the policies of Section 2 of that act, WAC 173-16 and the goals, policies and objectives of the King County shoreline management master program.

This title contains the regulations of King County's shoreline management master program and the procedures to implement those regulations. These regulations and procedures are consistent with and implement the goals, policies and objectives of King County's shoreline management master program which are contained in a separate document and adopted by ordinance. (Ord. 3688 § 101, 1978).

**25.04.020 Citation.** This title shall be known as the shoreline management code. (Ord. 3688 § 102, 1978).

**25.04.030 Scope.** A. No development shall be undertaken by any person on the shorelines of the state unless such development is consistent with the provisions of this title and the goals, policies and objectives of the master program.

B. Development prohibited by this title but otherwise permitted by King County land use controls is prohibited only within the shorelines of the state.

C. Development proposed on property adjacent to water bodies or wetlands under the jurisdiction of the Shoreline Management Act shall be evaluated in terms of the goals, policies and objectives of the master program. (Ord. 3688 § 103, 1978).

**25.04.040 Liberal construction.** This title is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. (Ord. 3688 § 104, 1978).

**25.04.050 Relationship to other King County programs.** A. When provisions of this chapter conflict with the sensitive areas code, K.C.C. Chapter 21.54, that which provides more protection to the sensitive area shall apply.

B. King County shall issue no permit prior to approval pursuant to this title and shall take no action contrary to the goals, policies, objectives and regulations of the King County shoreline management master program when property under the jurisdiction of the Shoreline Management Act is involved in a request for a decision in any of the following programs:

1. Building permit;
2. Right-of-way construction permit;
3. Short subdivision;
4. Grading permit;
5. Site plan approval;

6. Access permit;
7. Trail permit;
8. Zoning variance;
9. Conditional use permit;
10. Comprehensive plan amendment or addition;
11. Zone reclassification;
12. Unclassified use permit;
13. Planned unit development approval;
14. Subdivision approval.
15. Mobile home park permit;
16. Mobile home permit; and
17. Recreational vehicle park permit. (Ord. 9614 § 110, 1990: Ord. 5317 § 17, 1981: Ord. 3688 § 105, 1978).

**25.04.060 Severability.** If any provision of this title or the master program regulations and procedures hereby adopted or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this title or the master program. (Ord. 3688 § 106, 1978).

#### Chapter 25.08 DEFINITIONS

**Sections:**

- |           |   |
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DEFINITIONS

25.08.010 - 25.08.030

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| 25.08.590 | Water dependent use.   |
| 25.08.600 | Water related use.   |
| 25.08.610 | Wetlands.  |

25.08.010 Applicability of RCW and WAC definitions. Unless otherwise defined in this chapter, the definitions contained in title 21 (the zoning code), RCW Chapter 90.58 and WAC 173-14 shall apply. (Ord. 3688 Ch. 2 (part), 1978).

25.08.020 Access. A. Public Access. "Public access" means actual unobstructed access available to the general public from land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark.

B. Limited Public Access. "Limited public access" means:

1. Actual physical access from land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark, such access being limited to specific groups of people or to certain regularly prescribed times; or

2. Visual access available to the general public to the shoreline and adjacent waterbody, such access being specifically provided for in the development of the site. (Ord. 3688 § 201, 1978).

25.08.030 Aquatic resource practices. "Aquatic resource practices" means

the culture or farming of fin fish, shellfish, algae or other plants or animals in fresh or marine waters.

Excluded from the definition of aquatic resource practices are related commercial or industrial uses such as wholesale or retail sales; or final processing, packing, or freezing. (Ord. 6511 § 1, 1983; Ord. 4222 § 1, 1979; Ord. 3688 § 202, 1978).

25.08.040 Average grade level. "Average grade level" means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. (Ord. 3688 § 203, 1978).

25.08.050 Backfill. "Backfill" means the placement of earth material behind a retaining wall or structure. (Ord. 3688 § 204, 1978).

25.08.060 Backshore. "Backshore" means a berm, together with associated marshes or meadows on marine shores, landward of the ordinary high water mark which is normally above high tide level and has been gradually built up by accretion. (Ord. 3688 § 205, 1978).

25.08.070 Beach feeding. "Beach feeding" means landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material. (Ord. 3688 § 206, 1978).

25.08.080 Berm. "Berm" means one or several linear mounds of sand 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. (Ord. 3688 § 207, 1978).

25.08.090 Breakwater. "Breakwater" means an off-shore structure either floating or not which may or may not be connected to the shore, such structure being designated to absorb and/or reflect back into the water body the energy of the waves. (Ord. 3688 § 208, 1978).

25.08.100 Bulkhead. "Bulkhead" means a 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. (Ord. 3688 § 209, 1978).

DEFINITIONS

25.08.110 - 25.08.150

25.08.110 Class I beach. "Class I beach" means a beach or shore having dependable, geologically fully developed, and normally dry backshore above high tide. (Ord. 3688 § 210, 1978).

25.08.120 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. (Ord. 3688 § 211, 1978).

25.08.130 Class III beach. "Class III beach" means a beach or shore having no dry backshore available at high tide. (Ord. 3688 § 212, 1978).

25.08.140 Clearcut logging or clearcutting. "Clearcut logging" or "clearcutting" means the removal of the entire merchantable timber stand from an area. (Ord. 3688 § 213, 1978).

25.08.150 Department. "Department" means the Department of Planning and Community Development. (Ord. 3688 § 214, 1978).

25.08.160 **Development.** "Development" means any development as defined in RCW Chapter 90.58 as now or hereafter amended. (Ord. 3688 § 215, 1978).

25.08.170 **Director.** "Director" means the director of the Department of Planning and Community Development or his authorized designee. (Ord. 3688 § 216, 1978).

25.08.175 **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. (Ord. 5734 § 1, 1981).

25.08.180 **Earth material.** "Earth material" is rock, natural soil or combination thereof. (Ord. 3688 § 217, 1978).

25.08.185 **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. (Ord. 5734 § 1, 1981).

25.08.190 **Environment.** "Environment" or "master program environment" or "shoreline environment" means the categories of shorelines of the state established by the King County shoreline management master program to differentiate between areas whose features imply differing objectives regarding their use and future development. (Ord. 3688 § 218, 1978).

25.08.200 **Excavation.** "Excavation" means the artificial movement of earth material. (Ord. 3688 § 219, 1978).

25.08.210 **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. (Ord. 3688 § 220, 1978).

25.08.220 **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. (Ord. 3688 § 221, 1978).

25.08.230 **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. (Ord. 3688 § 222, 1978).

25.08.240 **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. (Ord. 3688 § 223, 1978).

25.08.250 **Jetty.** "Jetty" means a artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment. (Ord. 3688 § 224, 1978).

25.08.260 **Landfill.** "Landfill" is the placement of earth material by

artificial means. (Ord. 3688 § 225, 1978).

**25.08.270 Littoral drift.** "Littoral drift" means the natural movement of sediment along marine or lake shorelines by wave breaker action in response to prevailing winds. (Ord. 3688 § 226, 1978).

**25.08.280 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. (Ord. 3688 § 227, 1978).

**25.08.285 Manager.** "Manager" means the manager of the Building and Land Development Division or his authorized designee. (Ord. 5734 § 1, 1981).

**25.08.290 Master program.** "Master program" means the comprehensive shoreline use plan for King County consisting of:

- A. The use regulations and procedures contained in this title; and
- B. The goals, objectives and policies of the King County shoreline management master program which are contained in a separate document and adopted by ordinance. (Ord. 3688 § 228, 1978).

**25.08.300 Natural hatchery.** "Natural hatchery" means a facility for the rearing and/or holding of fish, the design of which is compatible with the natural environment and contains minimal development necessary for fish propagation. (Ord. 4222 § 2, 1979).

**25.08.310 Nonconforming use or development.** "Nonconforming use or development" means those uses and structures that have been lawfully established or constructed prior to November 22, 1976, which no longer conform to the applicable regulations of the master program. (Ord. 3688 § 229, 1978).

**25.08.320 Nonwater related use.** "Nonwater related use" means a use which is neither water dependent nor water related. (Ord. 3688 § 230, 1978).

**25.08.330 Normal protective bulkhead common to single-family residences.** "Normal protective bulkhead common to single-family residences" means a bulkhead constructed on a building site zoned to permit one single-family residence and containing one single-family residence. (Ord. 3688 § 231, 1978).

**25.08.340 Open space, required.** "Required open space" means a portion of the area of a building site, which is required by this title, as set forth in different designations contained in this title, to be maintained as open area to be available for use by the persons specified in a development. Open spaces are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky. (Ord. 3688 § 232, 1978).

**25.08.350 Ordinary high water mark.** "Ordinary high water mark" means the ordinary high water mark as defined in RCW 90.58 as now or hereafter amended. (Ord. 3688 § 233, 1978).

**25.08.360 Person.** "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of any governmental unit however designated. (Ord. 3688 § 235, 1978).

**25.08.370 Pier.** "Pier" or "dock" means a structure built in or over or floating upon the water extending from the shore, which may be used as a landing place for marine transport or for air or water craft or recreational activities. (Ord. 3688 § 234, 1978).

**25.08.380 Port.** "Port" means a terminal facility where general and/or bulk cargos are stored and/or transferred from land carriers to water carriers or vice versa. (Ord. 3688 § 236, 1978).

**25.08.390 Recreational development.** "Recreational development" means a private or public development operated and devoted to facilities and equipment for recreational purposes, including but not limited to swimming pools, tennis courts, playgrounds, picnic areas, campgrounds, resorts and other similar uses whether the use of such area is limited to those paying a fee or free to the public. (Ord. 3688 § 238, 1978).

**25.08.400 Redesignation.** "Redesignation" means a change in the shoreline environment designation by the procedures provided in Chapter 25.32 of this title. (Ord. 3688 § 237, 1978).

**25.08.410 Regeneration.** "Regeneration" means the renewal of a tree crop, whether by natural or artificial means. (Ord. 3688 § 239, 1978).

**25.08.420 Residential development.** A. Residential Development, Single-family. "Single-family residential development" or "single-family development" means development consisting of one or more one-family dwellings.

B. Residential Development, Multifamily. "Multifamily residential development" or "multifamily development" means development consisting of one or more two-family dwellings and/or multiple dwellings. (Ord. 3688 § 240, 1978).

**25.08.430 Riprap.** "Riprap" means hard angular quarry rock used for revetments or other bank stabilization projects. (Ord. 3688 § 241, 1978).

**25.08.440 Sediment.** "Sediment" is material settled from suspension in a liquid medium. (Ord. 3688 § 242, 1978).

**25.08.450 Selective cutting.** "Selective cutting" means the removal of certain trees selected for cutting so as not to interfere with the growth and development of the remaining trees. (Ord. 3688 § 243, 1978).

**25.08.460 Shoreline management conditional use.** "Shoreline management conditional use" or "shoreline conditional use" means a use specifically designated as a shoreline conditional use in the shoreline management master program. (Ord. 3688 § 247, 1978).

**25.08.470 Shoreline management variance.** "Shoreline management variance" means an adjustment in the application of the regulations of the shoreline management master program consistent with WAC 173-14. (Ord. 3688 § 248, 1978).

**25.08.480 Shoreline protection.** "Shoreline protection" means a structure or device, including but not limited to breakwaters, bulkheads, jetties, groins and riprap, which is placed so as to prevent erosion or to alter the normal currents, wave actions or other natural forces or actions of a waterbody. (Ord. 3688 § 251, 1978).

**25.08.490 Shorelines.** "Shorelines" means all of the water areas within the unincorporated portion of King County, including reservoirs, and their associated wetlands together with the lands underlying them; except:

A. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments;

B. Shorelines on lakes less than twenty acres in size and wetlands

associated with such lakes. (Ord. 3688 § 246, 1978).

**25.08.500 Shoreline setback.** "Shoreline setback" means a required open space measured horizontally upland from and perpendicular to the ordinary high water mark, or a required open space along shorelines which are steep slopes, slide areas or floodplains. (Ord. 3688 § 252, 1978).

**25.08.510 Shorelines of statewide significance.** "Shorelines of statewide significance" means those shorelines described in RCW 90.58.030(2)(e) which are within the unincorporated portion of King County. (Ord. 3688 § 249, 1978).

**25.08.520 Shorelines of the state.** "Shorelines of the state" are total of all "shorelines" and "shorelines of statewide significance" within unincorporated King County. (Ord. 3688 § 250, 1978).

**25.08.530 Side cast slopes.** "Side cast slopes" means slopes of landfill compacted by natural settling over time. (Ord. 3688 § 244, 1978).

**25.08.540 Sign.** "Sign" means any letters, figures, design, symbol, light, structure, billboard, trademark or device intended or used to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine, merchandise or thing. Excluded from definition and regulation by this title are official traffic signs or signals, official public notices, signs required by law, warning signs, the flag of a government or noncommercial institution such as schools and temporary signs worn or carried by people. (Ord. 3688 § 245, 1978).

**25.08.550 Slash.** "Slash" means the branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees which remain on the ground after logging. (Ord. 3688 § 253, 1978).

**25.08.560 Solid waste.** "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities. (Ord. 3688 § 254, 1978).

**25.08.565 Stringer bridge.** A "stringer bridge" is a bridge constructed of lengths of timber supporting a number of smaller transverse members. (Ord. 5734 § 1, 1981).

**25.08.570 Substantial development.** "Substantial development" means any development which requires a shoreline management substantial development permit, as defined in RCW 90.58.030(3)(e) as now or hereafter amended. (Ord. 3688 § 255, 1978).

**25.08.580 Utilities.** "Utilities" are all lines and facilities related to the distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power or refuse. (Ord. 3688 § 256, 1978).

**25.08.590 Water dependent use.** "Water dependent use" or "water dependent development" means a principal use which can only exist where the landwater interface provides biological or physical conditions necessary for the use. (Ord. 3688 § 257, 1978).

**25.08.600 Water related use.** "Water related use" or "water related (King County 12-81) 1020

DEFINITIONS

25.08.600

25.08.600 **Water related use.** "Water related use" or "water related development" means a principal use which is not intrinsically dependent on a location abutting the ordinary high water mark but which:

- A. Promotes the public's enjoyment of or access to the water; or
- B. Gains a cost savings or revenue-differentiating advantage, which is not associated with land rents or costs, from being located within the shorelines of the state that could not be obtained at an upland location; such uses include but are not limited to residential development, boat sales or restaurants. (Ord. 3688 § 258, 1978).

25.08.610 Wetlands. "Wetland," "associated wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and the entire one-hundred-year floodplains 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. Floodplains shall not include those areas which are effectively protected from the one-hundred-year flood by authorized flood control devices or other legal improvements. (Ord. 3688 § 259, 1978).

#### Chapter 25.12 ENVIRONMENT DESIGNATIONS

##### Sections:

- 25.12.010 Purpose.
- 25.12.020 Names of environment designations.
- 25.12.030 Limits of environment designations.
- 25.12.040 Establishment of designations.
- 25.12.050 Location of boundaries.

25.12.010 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. (Ord. 3688 § 301, 1978).

25.12.020 Names of environment designations. In order to accomplish the purpose of this title, environmental designations have been established to be known as follows:

- A. Natural environment;
  - B. Conservancy environment;
  - C. Rural environment;
  - D. Urban environment.
- (Ord. 3688 § 302, 1978).

25.12.030 Limits of environment designations. Each environment designation shall consist of:

- A. The entire water body from its centerline or point, including all

water below the surface;

B. 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 portion of the wetland or the portion of the wetland with severe biophysical limitations and another on the remaining portion of the wetland;

C. In shoreline areas where severe biophysical constraints such as floodplains, steep slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire associated wetland, proposed development in the remaining area may be permitted consistent with the character of the surrounding land use, the physical capabilities of the associated wetland and applicable county land use plans and policies. (Ord. 3688 § 303, 1978).

#### 25.12.040 Establishment of designations.

A. The written descriptions of the boundaries of the shoreline environment designations as adopted by ordinance in the possession of the department shall constitute the official legal descriptions of the boundaries of those environment designations.

B. The official maps prepared pursuant to WAC 173-22 in the possession of the department shall constitute the official descriptions of the limits of all wetlands in King County as defined by RCW 90.58.030 and Chapter 15.08 of this title.

C. The department may, from time to time as new or improved information becomes available, modify the official maps described in subsection B. of this section consistent with state guidelines to more accurately represent or clarify or interpret the true limits of the wetlands defined herein. (Ord. 3688 § 304, 1978).

25.12.050 Location of boundaries. A. Boundaries indicated as following streets, highways, roads and bridges shall be deemed to follow the centerline of such facilities unless otherwise specified.

B. Boundaries indicated as following railroad lines and transmission lines shall be deemed to follow the centerline of such rights-of-way or easements unless otherwise specified.

C. Where different environmental designations have been given to a tributary and the main stream at the point of confluence, the environmental designation given to the main stream shall extend for a distance of two hundred feet up the tributary.

D. In case of uncertainty as to a wetland or environment boundary, the director shall determine its exact location pursuant to the criteria of WAC 173-22-055 and RCW 90.58.030 and the provisions of this chapter. (Ord. 3688 § 305, 1978).

### Chapter 25.16 URBAN ENVIRONMENT

#### Sections:

- 25.16.010 Purpose.
- 25.16.020 Designation criteria.
- 25.16.030 General requirements.
- 25.16.040 Agricultural practices.
- 25.16.050 Aquatic resource practices.

- 25.16.060 Forest management practices.
- 25.16.070 Commercial development.
- 25.16.080 Signs.
- 25.16.090 Residential development-Multifamily.
- 25.16.100 Residential development-Single-family.
- 25.16.110 Residential development-Accessory structures.
- 25.16.120 Residential development-Piers, moorage, or launching facilities-Conditions.
- 25.16.130 Residential development-Piers, moorage, or launching facilities-Accessory to multifamily development.
- 25.16.140 Residential development-Piers, moorage, and launching facilities-Accessory to single-family residence.
- 25.16.150 Subdivisions.
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- 25.16.180 Shoreline protection.
- 25.16.190 Filling and excavation.
- 25.16.200 Recreation.

25.16.010 Purpose. The purpose of designating the urban environment is to ensure optimum utilization of the shorelines of the state within urbanized areas by permitting intensive use and by managing development so that it enhances and maintains the shorelines of the state for a multiplicity of urban uses. The urban environment is designed to reflect a policy of increasing utilization and efficiency of urban areas, to promote a more intense level of use through redevelopment of areas now under-utilized and to encourage multiple use of the shorelines of the state if the major use is water dependent or water related while at the same time safeguarding the quality of the environment. (Ord. 3688 § 401, 1978).

25.16.020 Designation criteria. Designation criteria for the urban environment shall be:

- A. Shorelines of the state used or designated for high intensity commercial, industrial, or recreational use;
- B. Shorelines of the state of lower intensity use, where surrounding land use is urban and urban services are available;
- C. Shorelines of the state used or designated for multifamily residential development;
- D. Shorelines of the state used for port activities;
- E. Shorelines of the state developed for residential purposes and where surrounding land use is urban and urban services are available;
- F. Shorelines of the state to be designated urban environment shall not have biophysical limitations to development such as floodplains, steep slopes, slide hazard areas and/or marshes, bogs or swamps. (Ord. 3688 § 402, 1978).

25.16.030 General requirements. A. Nonwater related development and residential development shall not be permitted waterward of the ordinary high water mark.

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

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

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall conform to the following minimum conditions:

1. Parking areas serving a water related or a nonwater related use must be located beneath or upland of the development which the parking area serves.

2. Any outdoor parking area perimeter, excluding entrances and exits, must be maintained as a planting area with a minimum width of five feet.

3. One live tree with a minimum height of four feet shall be required for each thirty linear feet of planting area.

4. One live shrub of one-gallon container size or larger for each sixty linear inches of planting area shall be required.

5. Additional perimeter and interior landscaping of parking areas may be required, at the discretion of the director, when it is necessary to screen parking areas or when large parking areas are proposed.

F. Collection facilities to control and separate contaminants shall be required where stormwater runoff from impervious surfaces would degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or

2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to sensitive area shall apply; except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program. (Ord. 9614 § 111, 1990: Ord. 3688 § 403, 1978).

**25.16.040 Agricultural practices.** Agricultural practices may be permitted in the urban environment, subject to the general requirements (Section 25.16.030) of this chapter, provided:

A. The agricultural activity is permitted in the underlying zone classification;

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

C. 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.

D. Lagoons, ponds or other waste retention facilities shall be subject to the same standard as described in subsection B. above. (Ord. 3688 § 404, 1978).

**25.16.050 Aquatic resource practices.** Aquatic resource practices may be permitted in the urban environment subject to the general requirements (Section 25.16.030) of this chapter, provided:

A. Any structure placed waterward of the ordinary high water mark shall be placed so as not to:

1. Be a significant hazard to navigation;
2. Cause significant damage to neighboring properties;
3. Be a significant hazard to divers who may frequent the area.

B. Any byproducts of the aquatic resources facility which are discharged into the water shall not degrade the quality of the recipient waterbody.

C. Aquatic resource operations shall not be permitted on Class I beaches except that such operations for the exclusive use and enjoyment of the adjacent upland residential property owner or lessee may be permitted.

D. Aquatic resource facilities shall be installed with minimum disturbance to banks and channels and shall not cause extensive erosion or accretion along adjacent shorelines.

E. The commercial mechanical harvesting of shellfish may be permitted, provided:

1. Such harvesting will not materially damage other commonly harvested aquatic life;
2. The harvest site is rehabilitated within seven days of the harvest operation;
3. The harvest operation will not materially damage any significant wildlife habitat or recreation site. (Ord. 6511 § 2, 1983; Ord. 3688 § 405, 1978).

**25.16.060 Forest management practices.** Forest management practices are not permitted in the urban environment. (Ord. 3688 § 406, 1978).

**25.16.070 Commercial development.** Commercial development may be permitted in the urban environment subject to the general requirements (Section 25.16.030) of this chapter, and provided:

A. The commercial activity is permitted in the underlying zone classification.

B. 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:

1. Boat building;
2. Electric or neon sign manufacturing;
3. Machine shops;
4. Tire rebuilding, recapping and retreading;

shall be governed by the industrial development sections of this title.

C. Water dependent commercial development shall not be required to maintain a shoreline setback.

D. Water related commercial development shall maintain a shoreline setback of either twenty feet from the ordinary high water mark or ten feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced either to ten 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.

E. Nonwater related commercial development shall maintain a shoreline setback of either fifty feet from the ordinary high water mark or twenty feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced either to twenty feet from the ordinary high water mark or to ten feet from the edge of the floodway, whichever is greater, if the nonwater related development provides limited public access. This shoreline setback may be reduced either to ten feet from the ordinary high water mark or to the edge of the floodway, whichever is greater, if the nonwater related development provides public access.

F. Piers, moorages, floats and launching facilities may be permitted accessory to commercial development, provided:

1. The structure will serve a water dependent or water related use;
2. The structure does not constitute a hazard to navigation. (Ord.

3688 § 407, 1978).

**25.16.080 Signs.** Signs may be permitted in the urban environment subject to the provisions of the underlying zoning, provided:

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

B. Signs painted upon or constructed parallel to and flush against the side of a building shall not extend beyond the wall or above the roof line against which they are constructed.

C. Signs shall be stationary, nonblinking and nonrevolving.

D. Signs shall have no auxiliary projections or attachments.

E. Signs shall not be erected nor maintained upon trees, or drawn or painted upon rocks or other natural features.

F. Artificial lighting of signs shall be directed away from adjacent properties and the water.

G. Signs waterward of the ordinary high water mark shall be permitted only to the extent necessary for the operation of a permitted overwater development provided no such sign shall be larger than five square feet. (Ord. 3688 § 408, 1978).

**25.16.090 Residential development - Multifamily.** Multifamily residential development may be permitted in the urban environment subject to the general requirements of K.C.C. 25.16.030, provided:

A. Multifamily development is permitted in the underlying zone;

B. Multifamily residential development shall not be permitted waterward of the ordinary high water mark;

C. Setbacks. Multifamily residential development shall maintain a minimum setback of fifty feet from the ordinary high water mark, except that:

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

2. If development is proposed on shorelines, including one or more sensitive areas, as defined in K.C.C. 21.04, such development shall be done in accordance with regulations and procedures set forth in K.C.C. 21.54.150 - 21.54.190. (Ord. 5734 § 2, 1981; Ord. 3688 § 409(1), 1978).

**25.16.100 Residential development - Single-family.** Single-family residential development may be permitted in the urban environment subject to the general requirements of K.C.C. 25.16.030, provided:

A. Single-family development is permitted in the underlying zone classification;

B. Single-family development, including floating homes, shall not be permitted waterward of the ordinary high water mark;

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

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

2. If development is proposed on shorelines, including one or more sensitive areas, as defined in K.C.C. 21.04, such development shall be done in accordance with regulations and procedures set forth in K.C.C. 21.54.150 through 21.54.190,

D. A farmhouse permitted under K.C.C. 21.54.060 shall be exempt from the setback requirements of this section. (Ord. 5734 § 3, 1981; Ord. 5061 § 4,

1980: Ord. 3688 § 409(2), 1978).

25.16.110 ~~Residential development~~ - Accessory structures. Accessory structures to the residence may be placed within the required shoreline setback, provided:

A. No accessory structure, except swimming pools, shall cover more than one hundred fifty square feet;

B. No accessory structure shall obstruct the view of the neighboring properties;

C. No accessory structure shall exceed eight feet in height. (Ord. 3688 § 409(3), 1978).

**25.16.120 Residential development - Piers, moorage, or launching facilities - Conditions.** Any pier, moorage, float or launching facility authorized by Sections 25.16.090 through 25.16.140 shall be subject to the following conditions:

A. No structure may be located nor extend further waterward of the ordinary high water mark than one-fourth the total distance from the shoreline associated with the structure to the opposite shoreline. This total distance shall be measured from the point where the authorized structure abuts the ordinary high water mark to the nearest opposite high water mark as measured along a straight line; provided, when the structure does not abut the ordinary high water mark, the distance from one ordinary high water mark to the opposite ordinary high water mark shall be measured along the shortest straight line passing through the center of that structure which commences from the property associated with such a structure.

B. No covered pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark.

C. No pier, moorage, float, or overwater structure or device shall be located closer than fifteen feet from the side property line extended, except that such structures may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with the King County Division of Records and Elections, a copy of which must accompany an application for a building permit or a shoreline permit; such joint use piers may be permitted up to twice the surface area allowed by this title.

D. All piers, moorages, floats or other such structures shall float at all times on the surface of the water or shall be of open pile construction, provided no portion of the structure shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than five feet above the surface of the water.

E. No pier, including finger pier, moorage, float, or overwater structure or device shall be wider than fifty percent of the lot with which it is associated.

F. No dwelling unit may be constructed on a pier. (Ord. 3688 § 409(4), 1978).

**25.16.130 Residential development - Piers, moorage, or launching facilities - Accessory to multifamily development.** Piers, moorages, floats and launching facilities may be permitted accessory to multifamily developments, or as common use facilities associated with a subdivision or planned unit development provided:

A. No more than one pier for each one hundred feet of shorelines of the state associated with the multifamily development, subdivision, short subdivision or planned unit development is permitted.

B. The total number of moorage spaces shall be limited to one moorage space for every two dwelling units in the multifamily development, subdivision or planned unit development provided no more than twenty moorage spaces shall be permitted.

C. The maximum waterward intrusion of any portion of any pier shall be eighty feet, provided this intrusion may be increased four feet for each additional moorage space over ten moorage spaces to a maximum of one hundred twenty feet.

D. The minimum width of each pier shall be five feet.

E. Moorage piles not constructed in conjunction with a pier are limited by the following conditions:

1. All piles shall be placed so as not to constitute a hazard to navigation.

2. No pile shall be placed more than eighty feet waterward of the ordinary high water mark.

3. All piles shall be placed in a water depth not to exceed thirteen feet below the ordinary high water mark.

F. Launching ramps and lift stations are limited by the following conditions:

1. No portion of a launching ramp or lift station shall be placed more than sixty feet waterward of the ordinary high water mark.

2. Launching rails or ramps shall be anchored to the ground through the use of tie-type construction. Asphalt or concrete ramps or other ramps which solidly cover the water body bottom are not permitted.

3. No more than two common use launching ramps for each one hundred feet of shorelines of the state associated with the multifamily development, short subdivision, subdivision or planned unit development permitted.

G. Common use floats are limited by the following conditions:

1. One float per multifamily development, short subdivision, subdivision or planned unit development is permitted.

2. No portion of a float shall be placed more than eighty feet waterward of the ordinary high water mark.

3. No float shall have more than one hundred fifty square feet of surface area.

H. Excavated moorage slips shall not be permitted accessory to multifamily development or as common use facilities accessory to subdivisions, short subdivisions, or planned unit developments. (Ord. 3688 § 409(5), 1978).

**25.16.140 Residential development - Piers, moorage, or launching facilities - Accessory to single-family residence.** Piers, moorages, floats or 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:

1. Commercial or marina moorage;

2. Floating moorage buoys;

3. 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 thirteen 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 six hundred square feet, provided that, no float shall have more than one hundred fifty square feet of surface area.

F. Moorage piles are limited by the following conditions:

1. All piles shall be placed so as to not constitute a hazard to navigation.
2. No pile shall be placed more than eighty feet waterward of the ordinary high water mark.
3. All moorage piles shall be placed in a water depth not to exceed thirteen feet below the ordinary high water mark.
4. No more than two moorage piles per residence are permitted.

G. Launching ramps and lift stations are limited by the following conditions:

1. No portion of a launching ramp or lift station shall be placed more than sixty feet waterward of the ordinary high water mark.
2. All portions of a launching ramp or lift station shall be placed at a depth not to exceed eight feet below the ordinary high water mark.
3. 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.
4. No more than one launching rail per single-family residence is permitted.

H. Floats are limited by the following conditions:

1. One float per residence is permitted.
2. No portion of a float shall be placed more than eighty feet waterward of the ordinary high water mark.
3. Retrieval lines shall not float at or near the surface of the water.
4. No float shall have more than one hundred fifty square feet of surface area.

I. Excavated moorage slips are limited by the following conditions:

1. One moorage slip per residence is permitted.
2. No moorage slip shall be excavated more than six feet below the ordinary high water mark.
3. No moorage slip shall have more than five hundred twenty-five 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.

K. No excavated moorage slips shall be permitted on the Sammamish River. (Ord. 5734 § 4, 1981; Ord. 3688 § 409(6), 1978).

**25.16.150 Subdivisions.** A. Any lot located wholly or partially within the shorelines of the state shall be subject to the substandard lot provisions of Chapter 21.48.

B. 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.

C. The lot averaging provisions of Title 21 shall not apply to lots wholly or partially within the shoreline. (Ord. 3688 § 410, 1978).

**25.16.160 Utilities.** Utility facilities may be permitted in the urban environment subject to the general requirements section (Section 25.16.030) of this chapter, provided:

A. Utility and transmission facilities shall:

1. Avoid disturbance of unique and fragile areas;
2. Avoid disturbance of wildlife spawning, nesting and rearing areas;

3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic recreation or historic areas.

B. Utility distribution and transmission facilities shall be designed so as to:

1. Minimize visual impact;
2. Harmonize with or enhance the surroundings;
3. Not create a need for shoreline protection;
4. Utilize to the greatest extent possible natural screening.

C. The construction and maintenance of utility facilities shall be done in such a way so as to:

1. Maximize the preservation of natural beauty and the conservation of resources;
2. Minimize scarring of the landscape;
3. Minimize siltation and erosion;
4. Protect trees, shrubs, grasses, natural features and topsoil from drainage;
5. Avoid disruption of critical aquatic and wildlife stages.

D. Rehabilitation of areas disturbed by the construction and/or maintenance of utility facilities shall:

1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain plant and wildlife habitats;
2. Utilize plantings compatible with the native vegetation.

E. Solid waste transfer stations shall not be permitted within the shorelines of the state. (Ord. 3688 § 411, 1978).

25.16.170 Industrial development. A. The provisions of this chapter apply to industrial and manufacturing types of activities including ports.

B. Industrial development may be permitted in the urban environment subject to the general requirements (Section 25.16.030) of this chapter, provided that:

1. The industrial activity is permitted in the underlying zone classification;
2. The industrial activity shall utilize the best techniques in design and siting to prevent the release of contaminants into the adjoining water bodies in order to comply with the water quality standards promulgated under the provisions of RCW Chapter 90.48;
3. Oxidation and waste stabilization ponds shall not be permitted within the shoreline of the state;
4. The maintenance of these provisions may be assured by requiring a performance bond of sufficient size to substantially defray the cost of a cleanup or rehabilitation effort.

C. The height limitations of the general requirements section (Section 25.16.030) of this chapter shall not apply to water dependent industrial development.

D. The provisions of this chapter shall not be construed to permit the construction of any oil port facility designed to load or unload ships 125,000 dead weight tons or larger in size.

E. Outside storage of equipment, vehicles, materials or supplies shall maintain a shoreline setback of twenty feet from the ordinary high water mark.

F. Except as provided in subsection E. above, water dependent industrial development shall not be required to maintain a shoreline setback.

G. Water related industrial development shall maintain a shoreline setback of either twenty feet from the ordinary high water mark or ten feet from the edge of the floodway, whichever is greater. This shoreline setback

may be reduced either to ten 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.

H. Nonwater related industrial development shall maintain a shoreline setback of either fifty feet from the ordinary high water mark or twenty feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced either to twenty feet from the ordinary high water mark or to ten feet from the edge of the floodway, whichever is greater, if the nonwater related development provides limited public access. This shoreline setback may be reduced to either ten feet from the ordinary high water mark or the edge of the floodway whichever is greater, if the nonwater related development provides public access.

I. Piers, moorages, slips, floats and launching facilities may be permitted accessory to industrial development, provided:

1. The facility will serve a water dependent or water related use;
2. The facility does not constitute a hazard to navigation. (Ord. 3688 § 412, 1978).

25.16.180 Shoreline protection. Shoreline protection may be permitted in the urban environment, provided:

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

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

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

1. Erosion from waves or currents is imminently threatening a legally established residence or one or more substantial accessory structures, and
2. The proposed bulkhead is more consistent with the King County shoreline master program in protecting the site and adjoining shorelines than feasible, non-structural alternatives such as slope drainage systems, vegetative growth stabilization, gravel berms and beach nourishment, are not feasible or will not adequately protect a legally established residence or substantial accessory structure, and
3. The proposed bulkhead is located landward of the ordinary high water mark or it connects to adjacent, legally established bulkheads as in subsection B. above, and
4. The maximum height of the proposed bulkhead is no more than one foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric

Administration or four feet in height on lakes;

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

E. Shoreline protection shall not have adverse impact on the property of others.

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

G. Shoreline protection shall not significantly interfere with normal surface and/or subsurface drainage into the water body.

H. Automobile bodies or other junk or waste material which may release undesirable material shall not be used for shoreline protection.

I. Shoreline protection shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

J. Shoreline protection shall be designed so as not to create a need for shoreline protection elsewhere.

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

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

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

N. Groins are permitted only as part of a professionally designed community or public beach management program. (Ord. 5734 § 5, 1981; Ord. 3688 § 413, 1978).

25.16.190 Excavation, Dredging and Filling. Excavation, dredging and filling may be permitted in the urban environment, only as part of an approved overall development plan not as an independent activity provided:

A. Any fill or excavation regardless of size, shall be subject to the provisions of K.C.C. 16.82.100;

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

C. Landfill or excavations shall be permitted only when technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;

D. Landfill or disposal of dredged material shall be prohibited within the floodway;

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

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

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

F. Class I beaches shall not be covered by landfill except for approved beach feeding programs;

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

H. No refuse disposal sites, solid waste disposal sites, or sanitary fills of putrescible or non-putrescible material shall be permitted within the shorelines of the state;

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

J. Disposal of dredged material shall be done only in approved deep water disposal sites or approved contain upland disposal sites;

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

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

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

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

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

P. Operation and maintenance of any existing system of ditches, canals, or drains, or construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit requirement. (Ord. 5734 § 6, 1981; Ord. 3688 § 414, 1978).

**25.16.200 Recreation.** Recreational development may be permitted in the urban environment subject to the general requirements (Section 25.16.030) of this chapter, and provided:

- A. The recreational development is permitted in the underlying zone.
- B. Swimming areas shall be separated from boat launch areas and marinas.
- C. The development of underwater sites for sport diving shall not:
  - 1. Take place at depths of greater than eighty feet;
  - 2. Constitute a navigational hazard;
  - 3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site.
- D. The construction of swimming facilities, piers, moorages, floats and launching facilities below the ordinary high water mark shall be governed by the regulations relating to pier and moorage construction in the commercial development section (Section 25.16.070) of this chapter.
- E. Public boat launching facilities or marinas may be developed, provided:
  - 1. The traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility;
  - 2. The facility will not be located on a Class I beach.
- F. Upland facilities constructed in conjunction with a recreational development shall be setback and/or sited to avoid contamination of the shorelines of the state.
- G. 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 cleanup of accidental spills of contaminants.
- H. Marina facilities shall be prohibited on Class I beaches or where their development would interrupt littoral currents and starve Class I beaches.
- I. Public pedestrian and bicycle pathways shall be permitted adjacent to water bodies.
- J. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area.
- K. Water viewing, nature study, recording and viewing shall be accommodated by space, platforms, benches or shelter, consistent with public

safety and security. (Ord. 3688 § 415, 1978).

**Chapter 25.20  
RURAL ENVIRONMENT**

**Sections:**

- 25.20.010 Purpose.
- 25.20.020 Designation criteria.
- 25.20.030 General requirements.
- 25.20.040 Agricultural practices.
- 25.20.050 Aquatic resource practices.
- 25.20.060 Forest practices.
- 25.20.070 Commercial development.
- 25.20.080 Signs.
- 25.20.090 Residential development.
- 25.20.100 Subdivisions.
- 25.20.110 Utilities.
- 25.20.120 Industrial development.
- 25.20.130 Shoreline protection.
- 25.20.140 Filling and excavation.
- 25.20.150 Recreation.

**25.20.010 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. (Ord. 3688 § 501, 1978).

**25.20.020 Designation criteria.** Designation criteria for the rural environment shall be:

- A. Shorelines of the state possessing high capability to support active agriculture purposes;
- B. Shorelines of the state used or designated for residential development at a density of three units per acre or less;
- C. Shorelines of the state used or designated for light manufacturing or neighborhood business type uses;
- D. Shorelines of the state developed for residential purposes where surrounding land use is residential in character without all urban services;
- E. Shorelines of the state to be designated rural shall not have severe biophysical limitations to development such as floodplains, steep slopes, slide hazard areas and/or marshes, swamps or bogs. (Ord. 3688 § 502, 1978).

**25.20.030 General requirements.** A. Nonwater related and residential development shall not be permitted waterward of the ordinary high water mark.

B. Except in those cases when the height requirements of the underlying zone are more restrictive, no structure shall exceed a height of thirty-five feet above average grade level. This requirement may be modified if the view of a substantial number of residences will not be obstructed, if permitted by the applicable provisions of the underlying zoning, and if the proposed

development is agricultural or water dependent.

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

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall retain existing vegetation or be planted in conformance with the landscape standards enumerated in the general requirements (Section 25.16.030) of the urban environment.

F. Collection facilities to control and separate contaminants shall be required where stormwater runoff from impervious surfaces would materially degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or
2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to the sensitive area shall apply; except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program. (Ord. 9614 § 112, 1990; Ord. 3688 § 503, 1978).

**25.20.040 Agricultural practices.** Agricultural practices may be permitted in the rural environment subject to the agricultural practices provisions (Section 25.16.040) of the urban environment. (Ord. 3688 § 504, 1978).

**25.20.050 Aquatic resource practices.** Aquatic resource practices may be permitted in the rural environment subject to the aquatic resource practice provisions (Section 25.16.050) of the urban environment. (Ord. 3688 § 505, 1978).

**25.20.060 Forest practices.** Forest practices may be permitted in the rural environment provided:

A. Forest practices (see R.C.W. 76.09) within shorelines require a shoreline conditional use permit when occurring outside of the lands classified F in the King County zoning code. Forest practices within shorelines on lands classified F in the King County zoning code shall require a shoreline conditional use permit when shorelines of statewide significance are involved or the forest practices would potentially impact:

1. geological hazards which could damage public resources;
2. state threatened or endangered species;
3. critical wildlife habitat;
4. streams which could create instability of the drainage or affect temperature or sediment delivery to other streams resulting in damage to public resources;

5. identified critical areas of watersheds supplying fish hatcheries, artificial rearing areas, domestic or municipal water systems;
  6. areas having archeological or cultural significance;
  7. areas with a high potential of soil erosion.
- B. Buffers. On all forest practices requiring a shoreline conditional use permit, a minimum buffer of 100 feet from either the ordinary high water mark or the edge of the FEMA floodway, whichever ~~is~~ greater, shall be established. The buffer shall be extended as necessary pursuant to the sensitive areas code to protect critical fish habitat for spawning or rearing; to alleviate surface water runoff problems; to protect habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the state of Washington; to control erosion hazards or for other reasons set out in K.C.C. 21.54. Along shorelines outside of lands classified F, there shall be no harvest of timber within the buffer except for necessary roads and crossings. Along shorelines within the lands classified F where a conditional use permit is required, timber harvest within the buffer is permitted so long as the functions of the buffer are not damaged and the applicant submits a harvest plan for review and approval.
- C. 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 fifteen inches in diameter.
- D. Culverts installed in streams used by fish shall meet all requirements set by the State Departments of Fisheries and Wildlife.
- E. Roads and landings shall not be constructed within shoreline areas

except when necessary to:

1. Cross streams;
2. Avoid road construction on unstable soils or on steep slopes when such construction would be more harmful than a shoreline location;
3. Perform water course improvement work only after approval of the State Departments of Fisheries and Wildlife.

F. Roads shall minimize cut and fill.

G. Where roadside material is potentially unstable or erodible, it shall be stabilized by use of seeding, compacting, riprapping, benching, or other suitable means.

H. 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

I. 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

J. Running surface widths should be kept to a minimum, with not more than twenty-six feet for two-lane roads and not more than fourteen feet for single lane roads.

K. Embankment fill shall:

1. Be constructed and compacted in layers no more than two feet thick;
2. Consist of inorganic material with no buried slash or debris beneath the running surface;
3. Not encroach upon a one-hundred-year floodplain so as to reduce its storage capacity or disturb riparian vegetation.

L. Where side cast would encroach upon a one-hundred-year floodplain, end haul construction is required.

M. Waterway crossings shall be constructed with minimum disturbance to banks and existing channels.

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

O. All bridges shall be high enough to pass all anticipated debris and high water flows.

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

Q. Each stringer bridge shall have one secured end and one end free to swing.

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

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

T. Materials treated with penta, creosote, or other chemicals shall be dried completely before use in any lake or stream. (Ord. 9614 § 113, 1990: Ord. 3688 § 506, 1978).

25.20.070 Commercial development. Commercial development may be permitted in the rural environment subject to the commercial development requirements (Section 25.16.070) of the urban environment, the general requirements (Section 25.20.030) of this chapter and provided:

- A. The commercial activity is permitted in the underlying zone.
- B. Water dependent commercial development shall not be required to maintain

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

D. Nonwater related commercial development shall maintain a shoreline setback of either seventy-five feet from the ordinary high water mark or thirty feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either fifty feet from the ordinary high water mark or twenty feet from the edge of the floodway, whichever is greater, if the nonwater related development provides limited public access. This shoreline setback may be reduced to either twenty feet from the ordinary high water mark or ten feet from the edge of the floodway, whichever is greater if the nonwater related development provides public access.

E. Piers, moorages, floats and launching facilities may be permitted accessory to commercial development, provided:

1. The structure will serve a water dependent use;
2. The structure does not constitute a hazard to navigation;
3. No portion of the structure shall be located more than one hundred twenty feet waterward of the ordinary high water mark. (Ord. 3688 § 507, 1978).

25.20.080 Signs. Signs are permitted in the rural environment subject to the provisions of the underlying zoning and sign provisions of the urban environment (Section 25.16.080), provided that no sign shall be larger than fifty square feet. (Ord. 3688 § 508, 1978).

25.20.090 Residential development. A. Multifamily residential development may be permitted in the rural environment subject to the general requirements of K.C.C. 25.20.030 and the residential provisions of K.C.C. 25.16.090 through 25.16.140 of the urban environment; provided, that multifamily development shall maintain a minimum setback of seventy-five feet from the ordinary high water mark, except that:

1. If the minimum setback from the ordinary high water mark of a river or stream falls within the floodway, the development shall be required to locate past the upland edge of the floodway,
2. If the development is proposed on shorelines, including one or more sensitive areas, as defined in K.C.C. 21.04 such development shall be done in accordance with regulations and procedures set forth in K.C.C. 21.54.150 through 21.54.190,

B. Single-family residential development may be permitted in the rural environment subject to the general requirements of K.C.C. 25.20.030 and the residential provisions of K.C.C. 25.16.090 through 25.16.140 of the urban environment.

C. Any pier, moorage, float or launching facility permitted accessory to single or multifamily development or common use facility accessory to a subdivision, short subdivision or planned unit development in the rural environment shall be subject to the residential pier, moorages, float or launching facility provisions of the urban environment. (Ord. 5734 § 7, 1981; Ord. 3688 § 509, 1978).

25.20.100 Subdivisions. The lot standards enumerated in this section apply to any lot which has buildable area within the shorelines of the state. Buildable area means that area of the lot, exclusive of any required open space, yards or setbacks upon which a structure may be constructed.

A. The minimum required area of a lot in the rural environment shall be five acres; provided, however;

1. The minimum lot area may be reduced to twenty thousand square feet when:

- a. All lots are part of an approved subdivision or short subdivision;
- b. All lots are served by public water;
- c. All lots are served by an approved sewage disposal system;
- d. All lots are served by paved streets;
- e. All lots have a minimum width of one hundred feet;
- f. The base units per acre for that portion of a site under shoreline management jurisdiction in this case for a planned unit development or multifamily development shall be two.

2. The minimum lot area may be reduced to twelve thousand five hundred square feet when:

- a. All lots are part of an approved subdivision or short subdivision;
- b. All lots are served by public water;
- c. All lots are served by public sewers;
- d. All lots are served by paved streets;
- e. All lots have a minimum width of eighty feet;
- f. The base units per acre for that portion of a site under shoreline management jurisdiction in this case for a planned unit development or multifamily development shall be three.

B. Any lot located wholly or partially within the shorelines of the state shall be subject to the substandard lot provisions of Chapter 21.48.

C. 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.

D. 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.

E. The lot averaging provisions of Chapter 21.08 shall not apply to any lot wholly or partially within the shorelines of the state. (Ord. 3688 § 510, 1978).

**25.20.110 Utilities.** Utility facilities may be permitted in the rural environment subject to the utilities requirements (Section 25.16.160) of the urban environment and the general requirements (Section 25.20.030) of this chapter. (Ord. 3688 § 511, 1978).

**25.20.120 Industrial development.** A. The provisions of this chapter apply to industrial and manufacturing types of activities including ports.

B. Industrial development may be permitted in the rural environment subject to the industrial development provisions (Section 25.16.170) of the urban environment and the general requirements (Section 25.20.030) of this chapter, provided the industrial activity is permitted in the underlying zone.

C. Water dependent industrial development shall not be required to maintain a shoreline setback.

D. Water related industrial development shall maintain a shoreline setback of either fifty feet from the ordinary high water mark or twenty feet

from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either twenty feet from the ordinary high water mark or ten feet from the edge of the floodway, whichever is greater, if the water related development provides limited public access or public access.

E. Nonwater related industrial development shall maintain a shoreline setback of either seventy-five feet from the ordinary high water mark or thirty feet from the edge of the floodway, whichever is greater. This shoreline setback may be reduced to either fifty feet from the ordinary high water mark or twenty feet from the edge of the floodway, whichever is greater, if the nonwater related development provides limited public access. This shoreline setback may be reduced to either twenty feet from the ordinary high water mark or ten feet from the edge of the floodway, whichever is greater, if the nonwater related development provides public access.

F. Piers, moorages, floats or launching facilities may be permitted accessory to industrial development, provided:

1. The structure will serve a water dependent use;
2. The structure does not constitute a hazard to navigation. (Ord. 3688 § 512, 1978).

25.20.130 Shoreline protection. A. Shoreline protection may be permitted in the rural environment subject to the shoreline protection provisions (Section 25.16.180) of the Urban Environment.

B. Breakwaters shall not be permitted. (Ord. 3688 § 513, 1978).

25.20.140 Excavation, Dredging and Filling. Excavation, dredging and filling may be permitted in the rural environment subject to the provisions of K.C.C. 25.16.190 of the urban environment provided:

A. Excavation, dredging and filling below the ordinary high water mark shall be permitted only to serve a water dependent use or when necessary to mitigate conditions which endanger public safety or fisheries resources.

B. Channelizing, straightening or relocating rivers or streams shall not be permitted. (Ord. 5734 § 8, 1981; Ord. 3688 § 514, 1978).

25.20.150 Recreation. Recreational development may be permitted in the rural environment subject to the general requirements (Section 25.20.030) of this chapter and the recreation provisions (Section 25.16.190) of the urban environment; provided, that any pier, moorage, float or launching facility constructed in conjunction with a recreational development shall be governed by the pier and moorage regulations for commercial development (Section 25.20.070) in this chapter. (Ord. 3688 § 515, 1978).

Chapter 25.24  
CONSERVANCY ENVIRONMENT

Sections:

- 25.24.010 Purpose.
- 25.24.020 Designation criteria.
- 25.24.030 General requirements.
- 25.24.040 Agricultural practices.
- 25.24.050 Aquatic resource practices.
- 25.24.060 Forest management practices.
- 25.24.070 Commercial development.

- 25.24.080 Signs.
- 25.24.090 Residential development.
- 25.24.100 Subdivisions.
- 25.24.110 Utilities.
- 25.24.120 Industrial development.
- 25.24.130 Shoreline protection.
- 25.24.140 Billing and excavation.
- 25.24.150 Recreation.

**25.24.010 Purpose.** Conservancy areas are intended to maintain their existing character. This designation is designed to protect, conserve, and manage existing natural resources and valuable historic and cultural areas. The preferred uses are those nonconsumptive of the physical and biological resources of the area. (Ord. 3688 § 601, 1978).

**25.24.020 Designation criteria.** Designation criteria for the conservancy environment shall be:

A. Shoreline areas, regardless of the underlying zoning which has biophysical limitations to development which include but are not limited to:

1. Shoreline areas which are one hundred-year floodplains and areas which have flooding potential,

2. Shoreline areas with soils that have poor drainage,

3. Shoreline areas subject to severe erosion,

4. Shoreline areas with unstable banks,

5. Shoreline areas subject to slide hazard;

B. Shoreline areas used as commercial forest land;

C. Shoreline areas which are free from extensive development;

D. Shoreline historic areas;

E. Shoreline area of high scenic value;

F. Shoreline areas used for low intensity agricultural uses such as range lands and pastures;

G. Shoreline areas which are designated agricultural lands pursuant to Chapter 20.54;

H. Areas which play an important part in maintaining the ecological balance of the region such as:

1. Areas rich in quality and quantity of life forms,

2. Areas important to the maintenance of the natural quality and flow of the water,

3. Marshes, bogs and swamps,

4. Class I beaches,

5. White water rapids and waterfalls,

6. Virgin timber stands,

7. Wilderness areas. (Ord. 3688 § 602, 1978).

**25.24.030 General requirements.** A. Nonwater related, water related and residential development shall not be permitted waterward of the ordinary high water mark.

B. 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.

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

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall maintain a shoreline setback of one hundred feet from the ordinary high water mark and retain existing vegetation or be planted in conformance with the landscape standards enumerated in the general requirements (Section 25.16.030) of the urban environment.

F. Collection facilities to control and separate contaminants shall be required where stormwater runoff from impervious surfaces would materially degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or
2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to a sensitive area shall apply; provided except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program and shall comply with other ordinances and rules to the greatest extent feasible. (Ord. 9614 § 114, 1990: Ord. 3688 § 603, 1978).

**25.24.040 Agricultural practices.** Agricultural practices may be permitted in the conservancy environment subject to the agricultural provisions (Section 25.16.040) of the urban environment. (Ord. 3688 § 604, 1978).

**25.24.050 Aquatic resource practices.** Aquatic resource practices may be permitted in the conservancy environment subject to the aquatic resource provisions (Section 25.16.050) of the urban environment, except that mechanical harvesting of shellfish shall not be permitted. (Ord. 3688 § 605, 1978).

**25.24.060 Forest management practices.** Forest management practices may be permitted in the conservancy environment subject to the forest management practices provisions (Section 25.20.060) of the rural environment. (Ord. 3688 § 606, 1978).

**25.24.070 Commercial development.** Commercial development shall not be permitted in the conservancy environment. (Ord. 3688 § 607, 1978).

**25.24.080 Signs.** Signs, except educational signs of not more than twenty-five square feet erected within recreational developments and signs as permitted by Section 21.08.040 A., are not permitted in the conservancy environment. (Ord. 3688 § 608, 1978).

**25.24.090 Residential development.** A. Multifamily development is prohibited in the conservancy environment, except that the clustering of dwelling units into multifamily development may be permitted to avoid development of sensitive or hazardous areas such as marshes, swamps, bogs, floodplains, or steep or unstable slopes; provided, that the density standards enumerated in K.C.C. 25.24.100 shall not be exceeded. This provision is not intended to promote intensive development in the conservancy environment. The intent of this provision is to permit development which would have less adverse impact on sensitive or hazardous areas than traditional lot by lot development.

B. Single-family residential development may be permitted in the conservancy environment subject to the general requirements of this chapter and the single-family provisions K.C.C. 25.16.090 through 25.16.140 of the urban environment. Single-family residential development shall maintain a minimum setback of fifty feet from the ordinary high water mark, except that:

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

2. If development is proposed on shorelines, including one or more sensitive areas, as defined in K.C.C. 21.04, such development shall be done in accordance with regulations and procedures set forth in K.C.C. 21.54.150 - 21.54.190,

3. A farmhouse permitted under K.C.C. 21.54.060 shall be exempt from the setback requirements of this section.

C. Any pier, moorage, float or launching facility permitted accessory to single-family development or common use facility accessory to subdivision, short subdivision or planned unit development in the conservancy environment shall be subject to the pier, moorage, float and launching facility provisions K.C.C. 25.16.090 through 25.16.140 of the urban environment; provided, no such authorized structure shall be located within two hundred feet of any other such structure. (Ord. 5734 § 9, 1981: Ord. 5061 § 5, 1980: Ord. 3688 § 609, 1978).

**25.24.100 Subdivision.** The lot standards enumerated in this subsection apply to any lot which has buildable area within the shorelines of the state. Buildable area means that area of the lot, exclusive of any required open space, yards or setbacks upon which a structure may be constructed.

A. The minimum required lot area in the conservancy environment shall be five acres; provided, however, the minimum lot area may be reduced to 40,000 square feet when:

1. All lots are part of an approved subdivision or short subdivision;
2. All lots are served by an approved sewage disposal system;
3. All lots are served by public water;
4. All lots have a minimum width of one hundred fifty feet;
5. The base units per acre for that portion of a site under shoreline management jurisdiction in this case for a planned unit development or multifamily development shall be one.

B. Any lot located wholly or partially within the shoreline of the state shall be considered a legal building site, provided that such lot(s) shall be subject to the substandard lot provisions of Chapter 21.48.

C. 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 subdivisions or development; except, where specifically authorized by ordinance, such land may be used in area computations as an incentive to encourage common open space waterfront areas.

D. 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.

E. The lot averaging provisions of Chapter 21.08 shall not apply to any lot wholly or partially within the shoreline. (Ord. 3688 § 610, 1978).

25.24.110 Utilities. Utility facilities may be permitted in the conservancy environment subject to the general requirements (Section 25.24.030) of this chapter and the utility provisions (Section 25.16.160) of the urban environment. (Ord. 3688 § 611, 1978).

25.24.120 Industrial development. Industrial development shall not be permitted in the conservancy environment. (Ord. 3688 § 612, 1978).

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

B. Breakwaters shall not be permitted. (Ord. 5734 § 10, 1981: Ord. 3688 § 613, 1978).

25.24.140 Excavation, Dredging and Filling. Excavation, dredging and filling may be permitted in the conservancy environment, subject to the excavation, dredging, and filling provisions K.C.C. 25.16.190 of the urban environment provided:

A. Excavation, dredging, or filling below the ordinary water mark shall be permitted only to mitigate conditions which endanger public safety or fisheries resources;

B. Channelizing, straightening or relocating rivers or streams shall not be permitted;

C. Excavation or dredging of marshes, swamps or bogs shall not be permitted. (Ord. 5734 § 11, 1981: Ord. 3688 § 614, 1978).

25.24.150 Recreation. Recreational development may be permitted in the conservancy environment subject to the general requirements of this chapter (Section 25.24.030) and the recreation provisions (Section 25.16.200) of the urban environment provided:

A. The recreational development will not require any significant filling, excavating or regarding involving more than twenty-five percent of that portion of the site within the shorelines of the state.

B. The construction of indoor swimming pools, gyms and other indoor recreational facilities is prohibited.

C. Piers, moorages, floats or launching facilities constructed in conjunction with recreational development shall not be:

1. Longer than one hundred twenty feet; or
2. Larger than 1350 square feet in surface area. (Ord. 3688 § 615, 1978).

## Chapter 25.28 NATURAL ENVIRONMENT

### Sections:

|           |                              |
|-----------|------------------------------|
| 25.28.010 | Purpose.                     |
| 25.28.020 | Designation criteria.        |
| 25.28.030 | General requirements.        |
| 25.28.040 | Agricultural practices.      |
| 25.28.050 | Aquatic resource practices.  |
| 25.28.060 | Forest management practices. |
| 25.28.070 | Commercial development.      |
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- 25.28.090 Residential development.
- 25.28.100 Subdivisions.
- 25.28.110 Utilities.
- 25.28.120 Industrial development.
- 25.28.130 Shoreline protection.
- 25.28.140 Filling and excavation.
- 25.28.150 Recreation.

**25.28.010 Purpose.** The purpose of designating the natural environment is to preserve and restore those natural resource systems existing relatively free of human influence. These systems require severe restrictions of intensities and types of uses permitted so as to maintain the integrity of the natural environment. (Ord. 3688 § 701, 1978).

**25.28.020 Designation criteria.** Designation criteria for the natural environment shall be:

- A. A shoreline area that provides food, water or cover and protection for any rare, endangered or diminishing species;
- B. A seasonal haven for concentrations of native animals, fish or fowl, such as a migration route, breeding site or spawning site;
- C. Shoreline areas considered to best represent the basic ecosystem and geologic types which are of particular scientific interest;
- D. Shoreline areas which best represent undisturbed natural areas;
- E. Shoreline areas with established histories of scientific research;
- F. Those shoreline areas having an outstanding or unique scenic feature in their natural state;
- G. Shoreline areas having a high value for wilderness experience;
- H. In addition to the above criteria, the following should be considered when designating natural environments:
  1. Areas where human influence and development are minimal,
  2. Areas capable of easily being restored to a natural condition,
  3. Saltwater marshes, bogs and swamps,
  4. Class I beaches,
  5. White water rapids and waterfalls,
  6. Virgin timber stands,
  7. Wilderness areas. (Ord. 3688 § 702, 1978).

**25.28.030 General requirements.** A. Nonwater related, water related and residential development shall not be permitted waterward of the ordinary high water mark.

- B. No structure shall exceed a height of thirty feet.
- C. All development shall be required to provide adequate surface water retention and sedimentation facilities during the construction period.
- D. Collection facilities to control and separate contaminants shall be required where stormwater runoff from impervious surfaces would materially degrade or add to the pollution of recipient waters or adjacent properties.
- E. Parking areas must maintain a shoreline setback of two hundred feet from the ordinary high water mark and retain existing vegetation or be planted to conform to the landscape standards enumerated in the general requirements (Section 25.16.030) of the urban environment. (Ord. 3688 § 703, 1978).

**25.28.040 Agricultural practices.** Agricultural practices shall not be permitted in the natural environment. (Ord. 3688 § 704, 1978).

**25.28.050 Aquatic resources practices.** Aquatic resource practices may be permitted in the natural environment of the Green River at Icy Creek subject to a public hearing and the general requirements set forth in Section 25.28.030 and provided;

A. The aquatic resources practices shall be limited to natural hatcheries;

B. The development and operation of the natural hatchery shall be within state and federal guidelines for the quality of surface water and groundwater;

C. All facilities shall be installed with a minimum disturbance to shoreline banks and existing channels;

D. Benefits of the natural hatchery will significantly outweigh the impacts;

E. That the benefits cannot be achieved at another location on the Green River not designated as a natural environment. (Ord. 4222 § 3, 1979; Ord. 3688 § 703, 1978).

**25.28.060 Forest management practices.** Forest management practices shall not be permitted in the natural environment. (Ord. 3688 § 706, 1978).

**25.28.070 Commercial development.** Commercial development shall not be permitted in the natural environment. (Ord. 3688 § 707, 1978).

**25.28.080 Signs.** Signs, except educational signs of no more than twenty-five square feet within recreational developments and signs which are permitted by Section 21.08.030 H., are not permitted in the natural environment. (Ord. 3688 § 708, 1978).

**25.28.090 Residential development.** A. Multifamily and accessory development is prohibited in the natural environment.

B. Single-family residential development may be permitted in the natural environment subject to the general requirements of K.C.C. 25.28.030 and the single-family provisions 25.16.090 through 25.16.140 of the urban environment; provided, single-family residential development shall maintain a minimum setback of one-hundred feet from the ordinary high water mark, except that:

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

2. If development is proposed on shorelines, including one or more sensitive areas, as defined in K.C.C. 21.04, such development shall be done in accordance with regulations and procedures set forth in K.C.C. 21.54.150 through 21.54.190.

C. Piers, moorages, floats or launching facilities accessory to single-family development shall not be permitted in the natural environment. (Ord. 5734 § 12, 1981; Ord. 3688 § 709, 1978).

**25.28.100 Subdivisions.** A. The minimum required area in the natural environment shall be five acres.

B. The minimum required lot width in the natural environment shall be three hundred thirty feet.

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

D. Submerged land within the boundaries of any waterfront parcel shall

not be used to compute lot area, lot dimensions, yards, open space or other 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. (Ord. 3688 § 710, 1978).

**25.28.110 Utilities.** Utility facilities may be permitted in the natural environment subject to the general requirements (Section 25.28.030) of this chapter and the utility requirements (Section 25.16.160) of the urban environment. (Ord. 3688 § 711, 1978).

**25.28.120 Industrial development.** Industrial development shall not be permitted in the natural environment. (Ord. 3688 § 712, 1978).

**25.28.130 Shoreline protection.** Shoreline protection shall not be permitted in the natural environment. (Ord. 3688 § 713, 1978).

**25.28.140 Excavation, Dredging and Filling.** Excavation, dredging, and filling may be permitted in the natural environment subject to the provisions K.C.C. 25.16.190 of the urban environment, provided:

A. Excavation, dredging, or filling below the ordinary high water mark shall be permitted only to mitigate conditions which endanger public safety or fisheries resources;

B. Fill or excavation above the ordinary high water mark shall be permitted only to the extent permitted and necessary to construct development allowed in the natural environment;

C. Channelizing, straightening or relocating rivers or streams shall not be permitted;

D. Excavation or dredging of marshes, swamps or bogs shall not be permitted. (Ord. 5734 § 13, 1981; Ord. 3688 § 714, 1978).

**25.28.150 Recreation.** Recreational development may be permitted in the natural environment subject to the general requirements (Section 25.28.030) of this chapter, provided:

A. The recreational development will not require any significant filling, excavation or regrading involving more than fifteen percent of that portion of the site within the shorelines of the state.

B. The construction of indoor swimming pools, gyms and other indoor recreational facilities is prohibited.

C. Piers, moorages, floats or launching facilities constructed in conjunction with recreational development shall not be permitted, except that floating walkways or other similar over water pedestrian structures facilitating access to observation points or viewing areas may be permitted. (Ord. 3688 § 715, 1978).

**Chapter 25.32  
PROCEDURES**

**Sections:**

- 25.32.010 Substantial development - Permit required - Exemption.
- 25.32.020 Permits - Prerequisite to other permits.
- 25.32.030 Permits - Application - Fee - Notice - Burden of proof of compliance.
- 25.32.040 Permits - Variance.
- 25.32.050 Permits - Conditional use.
- 25.32.060 Permits - Alteration of nonconforming use or development.
- 25.32.070 Permits - Public hearing - Director's decision.
- 25.32.080 Permits - Combined hearing authority.
- 25.32.090 Permits - Approval or disapproval - Notification - Additional conditions - Limitations.
- 25.32.100 Appeals.
- 25.32.110 Rules of director.
- 25.32.120 Enforcement.
- 25.32.130 Shoreline environment redesignation.

25.32.010 Substantial development - Permit required - Exemption. A. No development shall be undertaken by any person on the shorelines of the state unless such development is consistent with the policy of Section 2 of the Shoreline Management Act of 1971, and, after adoption and approval, the guidelines and regulations of the Washington State Department of Ecology and the King County shoreline master program.

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

C. Any person claiming exception from the permit requirements of this chapter as a result of the exemptions described in subsection B. of this section may make an application to the director for such an exemption in the manner prescribed by the director. Development within the shorelines of the state which does not require a permit shall conform to the master program. Conditions requiring such conformance may be imposed prior to granting exemption from the permit requirement. (Ord. 3688 § 801, 1978).

25.32.020 Permits - Prerequisite to other permits. In the case of development subject to the permit requirements of this title, King County shall not issue any other permit for such development until such time as approval has been granted pursuant to this title. Any development subsequently authorized by King County shall be subject to the same terms and conditions which apply to the development authorized pursuant to this title. (Ord. 3688 § 802, 1978).

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

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

C. Upon receipt of proper application, the director shall instruct the applicant to publish notices of the application at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the county. The director may also require publication through other appropriate newspapers and information media. The director shall set a thirty day comment period. Within thirty days of the comment period, any interested persons may submit their views on the application in writing or may notify the director of their desire to be notified of the action taken by the director. All published notices of applications shall be in a form satisfactory to the director. Notices of application shall not be published prior to the actual submission of the application to the director. Affidavits of publication shall be transmitted to the director within seven days of their final publication. In addition, notice of the application for a shoreline development management substantial development permit shall be given as follows:

1. The department will notify by mail the owners of property within three hundred feet of the project site. The area within which mailed notice is required shall be expanded to include at least twenty different property owners in rural or lightly inhabited areas or in other appropriate cases to the extent the division determines is necessary.

2. The department will post a notice board, K.C.C. 19.26.070 A., on or adjacent to the subject property at a place conspicuous and likely to be seen by persons passing the property. The division may require additional notice boards when a site does not abut a public road, when a large site abuts more than one public road or in any other instance when the division deems additional boards to be necessary. Notice shall include but not be limited to:

- a. The name of the applicant, the description of the requested action, the proposed use of the property, and the file number;
- b. A vicinity map or general location description in non-legal language;
- c. The procedures and deadline for submitting comments;
- d. A form to request division reports or decisions;
- e. Identification of the responsible county official; and
- f. A statement of appeal procedure.

The posting shall occur for at least thirty days. The form and content of the notice shall be approved by the division. Posting, including the expenses thereof, shall be the responsibility of the applicant and an affidavit of posting shall be submitted prior to the final comment date by the applicant to the division in a form approved by the division.

3. For utility lines, linear recreation facilities such as trails and other developments of unusual size or configuration, the department may substitute other appropriate notification for the method set forth above.

D. The burden of proving that the proposed development is consistent with the criteria set forth in K.C.C. 25.04.030 and K.C.C. 25.32.010 shall be on the applicant. (Ord. 9540 § 6, 1990: Ord. 5734 § 14, 1981: Ord. 3688 § 803, 1978).

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

B. A variance from county zoning code requirements shall not be construed to mean a variance from shoreline master program use regulations and vice versa.

C. Shoreline variances may not be used to permit a use that is specifically prohibited in an environment designation.

D. The burden of proving that a proposed variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.

E. The fee which shall accompany an application for a shoreline variance shall be as adopted by ordinance. (Ord. 5734 § 15, 1981: Ord. 3688 § 804, 1974).

25.32.050 Permits - Conditional use. A. The director is authorized to issue shoreline conditional use permits only under the following circumstances:

1. The development must be compatible with uses which are permitted within the master program environment in which the development is proposed.

2. The use will cause no unreasonable adverse effects on the shoreline or surrounding properties and uses.

3. The use will promote or not interfere with public use of surface waters.

4. The development of the site will not be contrary to the policies of the master program.

B. The burden of proving that a proposed shoreline conditional use meets the criteria enumerated in subsection A. of this section shall be on the applicant. Absence of such proof shall be grounds for denial of the application; provided, however, that the director is authorized to determine and impose, on a case-by-case basis, those conditions and standards which may be required to enable any proposed shoreline conditional use to satisfy the criteria established in subsection A. of this section. (Ord. 3688 § 805, 1978).

25.32.060 Alteration or Reconstruction of Nonconforming Use or Development.

A. Applications for substantial development or building permits to modify a nonconforming use or development may be approved only if:

1. The modifications will make the use or development less nonconforming;  
or

2. The modifications will not make the use or development more nonconforming.

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

C. The review of applications for the modification of a nonconforming use or development shall be subject to the guidelines enumerated in K.C.C. 21.51 (Nonconforming Buildings and Uses). (Ord. 5734 § 16, 1981: Ord. 3688 § 806, 1978).

25.32.070 Permits - Public hearing - Director's decision. A. Decisions on applications for substantial development permits shall not be made until at least one public hearing has been held if:

1. A public hearing before either the zoning adjustor or zoning and subdivision examiner is required by county law; or

2. The director determines that the proposed development is one of broad public significance within fifteen days of the date of the notice pursuant to Section 25.32.030 C. 1. and 2. Broad public significance shall be assumed if there exists an organized group in opposition with more than fifty participants.

B. The public hearing required under subsection A. of this section shall be conducted by the director, except that the director's hearing may be conducted in accordance with Section 25.32.080.

C. 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.

D. 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 25.04.030 and 25.32.010 of this title.

E. 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.

F. 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 25.32.090. (Ord. 3688 § 807, 1978).

**25.32.080 Permits - Combined hearing authority.** A. In those cases when proposed development under the jurisdiction of this title also requires a public hearing before either the zoning adjustor or the hearing examiner, the adjustor or the examiner may, pursuant to agreement between the director and the adjustor or examiner, act as the director for the purposes of the public hearing and decision provided for in Section 25.32.070. Acting as the director, the adjustor or examiner shall conduct a public hearing to receive evidence relating to the issuance of a substantial development permit or exemption therefrom, a shoreline management conditional use permit and/or a shoreline management variance.

B. The adjustor or examiner shall conduct the hearing in accordance with the provisions of Section 25.32.070 and shall exercise the powers therein.

C. The decision of the adjustor or examiner shall be the decision of the director and shall be the final decision of the county with regard to shoreline management. (Ord. 3688 § 808, 1978).

hearing and decision provided for in Section 25.32.070. Acting as the director, the adjustor or examiner shall conduct a public hearing to receive evidence relating to the issuance of a substantial development permit or exemption therefrom, a shoreline management conditional use permit and/or a shoreline management variance.

B. The adjustor or examiner shall conduct the hearing in accordance with the provisions of Section 25.32.070 and shall exercise the powers therein.

C. The decision of the adjustor or examiner shall be the decision of the director and shall be the final decision of the county with regard to shoreline management. (Ord. 3688 § 808, 1978).

25.32.090 **Permits - Approval or disapproval - Notification - Additional conditions - Limitations.** A. The director shall notify the following persons in writing of his final approval, disapproval or conditional approval of a substantial development permit application within five days of his final decision:

1. The applicant;
2. The Washington State Department of Ecology;
3. The Washington State Attorney General;
4. Any person who has submitted to the director written comments on the application;
5. Any person requesting notification prior to permit action.

B. In granting or extending a permit, the director may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development and related development and activity outside of the shoreline as he finds necessary to make the permit compatible with the criteria set forth in Sections 25.04.030 and 25.32.010 of this title. Such conditions may include requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

C. Issuance of substantial development permit does not constitute approval pursuant to any other federal, state or county laws or regulations. (Ord. 3688 § 809, 1978).

25.32.100 **Appeals.** A. Appeals from the final decision of the county with regard to shoreline management shall be governed solely by the provisions of RCW 90.58.180.

B. The effective date of King County's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

C. When a hearing and decision has occurred pursuant to Section 25.32.080 and the examiner's recommendation with regard to disposition of a proposed development pursuant to Titles 19, 20 and 21 of this code requires King County Council action, the final decision of the county pursuant to this title shall be effective on the date of filing as defined in RCW 90.58.140 for the purposes of appeal as provided in RCW 90.50.140. However, no development may occur until the King County Council has taken final action on the examiner's recommendation required by Titles 19, 20 and/or 21 of this code. (Ord. 3688 § 810, 1978).

25.32.110 **Rules of director.** The director is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The director may prepare and require the use of such forms as are necessary to its administration. (Ord. 3688 § 811, 1978).

25.32.120 **Enforcement.** A. The director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23.

B. Any person found to have wilfully engaged in activities on the shorelines of the state in violation of this title or the Shoreline Management Act of 1971 or in violation of the master program, rules or regulations adopted pursuant thereto is guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than

ninety days, or by both fines and imprisonment; provided, that the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars nor more than ten thousand dollars.

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

D. Any person subject to the regulatory provisions of this title who violates any provision of this title or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. The King County prosecuting attorney shall bring suit for damages under this subsection on behalf of the county. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. The court on its discretion may award attorney's fees and costs of the suit to the prevailing party. (Ord. 3688 812, 1978).

25.32.130 Shoreline environment redesignation. A. Shoreline environments designated by the master program may be redesignated by the County Council upon finding that such a redesignation will be consistent with:

1. The policy of Section 2 of the Shoreline Management Act of 1971;
2. The goals, objectives and policies of the master program;
3. The designation criteria of the shoreline environment designation requested.

B. Application for redesignation shall be made on forms and in a manner prescribed by the director.

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

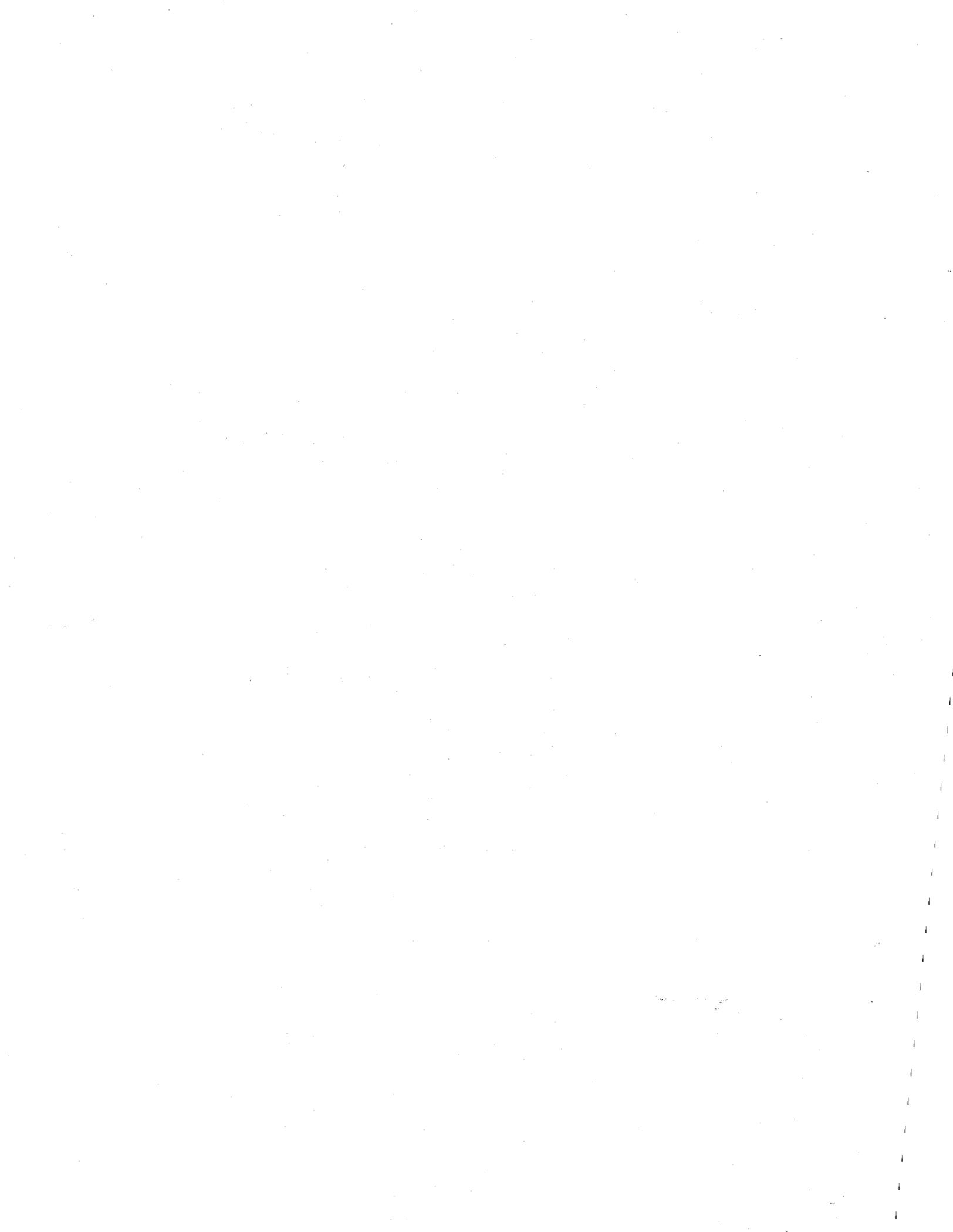
D. Redesignations may be initiated by:

1. The verified application of the owner(s) of the property requested to be redesignated; or
2. The adoption of a motion by the council requesting the executive to set the matter for hearing and recommendation.

E. Applications for redesignation shall not be accepted by the department if a request for redesignation involving the same designation for substantially the same property has been denied within the last year.

F. Upon receipt of a properly filed application for redesignation, the department shall prepare a report to the zoning and subdivision examiner.

G. The report and recommendation of the department shall be forwarded to the zoning and subdivision examiner for consideration together with all relevant testimony at a public hearing to be held consistent with the procedures for a zone reclassification as provided in Chapter 20.24. (Ord. 5734 § 17, 1981; Ord. 3688 § 813, 1978).





recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and wetlands of the state shall be recognized by the department. Shorelines and wetlands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and wetlands of the state no longer meeting

the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. [1992 c 105 § 1; 1982 1st ex.s. c 13 § 1; 1971 ex.s. c 286 § 2.]

**90.58.030 Definitions and concepts.** As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge. [1987 c 474 § 1; 1986 c 292 § 1; 1982 1st ex.s. c 13 § 2; 1980 c 2 § 3; 1979 ex.s. c 84 § 3; 1975 1st ex.s. c 182 § 1; 1973 1st ex.s. c 203 § 1; 1971 ex.s. c 286 § 3.]

**Severability—1986 c 292:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 292 § 5.]

**Intent—1980 c 2; 1979 ex.s. c 84:** "The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, it is the intent of this act to authorize the department of transportation to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas and to design and reconstruct a permanent bridge at the site of the original Hood Canal bridge. The department of transportation is directed to proceed with such actions in an environmentally responsible manner that would meet the substantive objectives of the state environmental policy act and the shorelines management act, and shall consult with the department of ecology in the planning process. The exemptions from the state environmental policy act and the shorelines management act contained in RCW 43.21C.032 and 90.58.030 are intended to approve and ratify the timely actions of the department of transportation taken and to be taken to restore interim transportation services and to reconstruct a permanent Hood Canal bridge without procedural delays." [1980 c 2 § 1; 1979 ex.s. c 84 § 1.] The reference to "this act" refers to 1979 ex.s. c 84 which consists of this section, the amendment to RCW 90.58.030 by 1979 ex.s. c 84, and to new sections RCW 43.21C.032 and 90.58.145.

**90.58.040 Program applicable to shorelines of the state.** The shoreline management program of this chapter shall apply to the shorelines of the state as defined in this chapter. [1971 ex.s. c 286 § 4.]

**90.58.050 Program as cooperative between local government and state—Responsibilities differentiated.** This chapter establishes a cooperative program of shoreline management between local government and the state. Local

government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter. [1971 ex.s. c 286 § 5.]

**90.58.060 Timetable for adoption of initial guidelines—Public hearings, notice of.** (1) Within one hundred twenty days from June 1, 1971, the department shall submit to local governments proposed guidelines consistent with RCW 90.58.020 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Within sixty days from receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by the department in Olympia and Spokane, at which interested public and private parties shall have the opportunity to present statements and views on the proposed guidelines. Notice of such hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state.

(5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines. [1971 ex.s. c 286 § 6.]

**90.58.070 Local governments to submit letters of intent—Department to act upon failure of local government.** (1) Local governments are directed with regard to shorelines of the state in their various jurisdictions to submit to the director of the department, within six months from June 1, 1971, letters stating that they propose to complete an inventory and develop master programs for these shorelines as provided for in RCW 90.58.080.

(2) If any local government fails to submit a letter as provided in subsection (1) of this section, or fails to adopt a master program for the shorelines of the state within its jurisdiction in accordance with the time schedule provided in this chapter, the department shall carry out the requirements of RCW 90.58.080 and adopt a master program for the shorelines of the state within the jurisdiction of the local government. [1971 ex.s. c 286 § 7.]

**90.58.080 Timetable for local governments to complete shoreline inventories and master programs.** Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general

ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;

(2) To develop, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted. [1974 ex.s. c 61 § 1; 1971 ex.s. c 286 § 8.]

**90.58.090 Approval of master program or segments thereof, when—Departmental alternatives when shorelines of state-wide significance—Later adoption of master program supersedes departmental program.** Master programs or segments thereof shall become effective when adopted or approved by the department as appropriate. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(1) As to those segments of the master program relating to shorelines, they shall be approved by the department unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

(2) As to those segments of the master program relating to shorelines of state-wide significance the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.

(3) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines. [1971 ex.s. c 286 § 9.]

**90.58.100 Programs as constituting use regulations—Duties when preparing programs and amendments thereto—Program contents.** (1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites,

and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment. [1992 c 105 § 2; 1991 c 322 § 32; 1971 ex.s. c 286 § 10.]

**Findings—Intent—1991 c 322:** See note following RCW 86.12.200.

**90.58.110 Development of program within two or more adjacent local government jurisdictions—Development of program in segments, when.** (1) Whenever it shall appear to the director that a master program should be developed for a region of the shorelines of the state which includes lands and waters located in two or more adjacent local government jurisdictions, the director shall designate such region and notify the appropriate units of local government thereof. It shall be the duty of the notified units to develop cooperatively an inventory and master program in accordance with and within the time provided in RCW 90.58.080.

(2) At the discretion of the department, a local government master program may be adopted in segments applicable to particular areas so that immediate attention may be given

to those areas of the shorelines of the state in most need of a use regulation. [1971 ex.s. c 286 § 11.]

**90.58.120 Adoption of rules, programs, etc., subject to RCW 34.05.310 through 34.05.395—Public hearings, notice of—Public inspection after approval or adoption.** All rules, regulations, master programs, designations, and guidelines, issued by the department, shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines. [1989 c 175 § 182; 1975 1st ex.s. c 182 § 2; 1971 ex.s. c 286 § 12.]

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**90.58.130 Involvement of all persons and entities having interest, means.** To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 ex.s. c 286 § 13.]

**90.58.140 Development permits—Grounds for granting—Administration by local government, conditions—Applications—Notices—Rescission—When permits not required—Approval when permit for variance or conditional use.** (1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (13) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit the comments or requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. The local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for the order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section; or until all

review proceedings are terminated if the proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin the construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

(d) If the permit is for a substantial development meeting the requirements of subsection (13) of this section, construction pursuant to that permit may not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), (c), or (d) of this subsection, the construction

is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ruling on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:

- (a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and
- (b) The development is completed within two years after June 1, 1971.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsec-

tion (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(13)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state. [1992 c 105 § 3; 1990 c 201 § 2; 1988 c 22 § 1; 1984 c 7 § 386; 1977 ex.s. c 358 § 1; 1975-'76 2nd ex.s. c 51 § 1; 1975 1st ex.s. c 182 § 3; 1973 2nd ex.s. c 19 § 1; 1971 ex.s. c 286 § 14.]

**Finding—Intent—1990 c 201:** "The legislature finds that delays in substantial development permit review for the extension of vital utility services to existing and lawful uses within the shorelines of the state have caused hardship upon existing residents without serving any of the purposes and policies of the shoreline management act. It is the intent of this act to provide a more expeditious permit review process for that limited category of utility extension activities only, while fully preserving safeguards of public review and appeal rights regarding permit applications and decisions." [1990 c 201 § 1.] "This act" consists of the 1990 c 201 amendments to RCW 90.58.140.

**Severability—1984 c 7:** See note following RCW 47.01.141.

**90.58.145 Substantial development permit—Structures at temporary ferry terminals—Hood Canal bridge—Removal of structures.** Not later than July 1, 1981, the department of transportation or any affected private property owner, or both, may apply for a substantial development permit in connection with any dolphin, wingwall, barge, pier, or similar structure constructed or assembled at a temporary ferry terminal for the purpose of providing interim transportation services necessary as a consequence of the destruction of the Hood Canal bridge. The permit shall be processed in accordance with this chapter. Following a denial of a permit and the exhaustion of all subsequent appeals, or within six months after the new or reconstructed Hood Canal bridge is open to traffic, whichever occurs later, the department shall remove all

dolphins, wingwalls, barges, piers, and similar structures constructed or assembled at the temporary ferry terminals. If a permit is granted, such structures may remain in place. [1979 ex.s. c 84 § 4.]

**Intent**—1980 c 2; 1979 ex.s. c 84: See note following RCW 90.58.030.

**90.58.150 Selective commercial timber cutting, when.** With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: **PROVIDED**, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: **PROVIDED FURTHER**, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. [1971 ex.s. c 286 § 15.]

**90.58.160 Prohibition against surface drilling for oil or gas, where.** Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark. [1971 ex.s. c 286 § 16.]

**90.58.170 Shorelines hearings board—Established—Members—Chairman—Quorum for decision—Expenses of members.** A shorelines hearings board sitting as a quasi judicial body is hereby established within the environmental hearings office under RCW 43.21B.005. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the commissioner of public lands or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The members of the shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060. [1988 c 128 § 76; 1979 ex.s. c 47 § 6; 1971 ex.s. c 286 § 17.]

**Intent**—1979 ex.s. c 47: See note following RCW 43.21B.005.

**90.58.175 Rules and regulations.** The shorelines hearings board may adopt rules and regulations governing the administrative practice and procedure in and before the board. [1973 1st ex.s. c 203 § 3.]

**90.58.180 Appeals from granting, denying, or rescinding permits, procedure—Board to act, when—Local government appeals to board—Grounds for declaring rule, regulation, or guideline invalid—Appeals to court, procedure.** (1) Any person aggrieved by the

granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: **PROVIDED**, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.05 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or

(e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

(5) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to \*RCW 34.05.538: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section is filed within three months after the date of final decision by the shorelines hearings board. [1989 c 175 § 183; 1986 c 292 § 2; 1975-'76 2nd ex.s. c 51 § 2; 1975 1st ex.s. c 182 § 4; 1973 1st ex.s. c 203 § 2; 1971 ex.s. c 286 § 18.]

\*Reviser's note: RCW 34.05.538 was repealed by 1989 c 175 § 185. Superior court review of rules is provided by RCW 34.05.570(2).

Effective date—1989 c 175: See note following RCW 34.05.010.

Severability—1986 c 292: See note following RCW 90.58.030.

**90.58.190 Review and adjustments to master programs.** (1) The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.

(2) Any local government aggrieved by the department's decision to approve, reject, or modify a proposed master program or master program adjustment may appeal the department's decision to the shorelines hearings board. In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program adjustment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's adjustment in light of the policy of RCW 90.58.020 and the applicable guidelines. In an appeal relating to shorelines of state-wide significance, the board shall uphold the decision by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines. Review by the hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews. Whenever possible, the review by the

hearings board shall be heard within the county where the land subject to the proposed master program or master program adjustment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to the superior court of Thurston county.

(3) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program adjustment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program adjustment. [1989 c 175 § 184; 1986 c 292 § 3; 1971 ex.s. c 286 § 19.]

Effective date—1989 c 175: See note following RCW 34.05.010.

Severability—1986 c 292: See note following RCW 90.58.030.

**90.58.195 Shoreline master plan review—Local governments with coastal waters or coastal shorelines.**

(1) The department of ecology, in cooperation with other state agencies and coastal local governments, shall prepare and adopt ocean use guidelines and policies to be used in reviewing, and where appropriate, amending, shoreline master programs of local governments with coastal waters or coastal shorelines within their boundaries. These guidelines shall be finalized by April 1, 1990.

(2) After the department of ecology has adopted the guidelines required in subsection (1) of this section, counties, cities, and towns with coastal waters or coastal shorelines shall review their shoreline master programs to ensure that the programs conform with RCW 43.143.010 and 43.143.030 and with the department of ecology's ocean use guidelines. Amended master programs shall be submitted to the department of ecology for its approval under RCW 90.58.090 by June 30, 1991. [1989 1st ex.s. c 2 § 13.]

**90.58.200 Rules and regulations.** The department and local governments are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this chapter. [1971 ex.s. c 286 § 20.]

**90.58.210 Court actions to insure against conflicting uses and to enforce—Civil penalty—Review.** (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person

incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board. [1986 c 292 § 4; 1971 ex.s. c 286 § 21.]

Severability—1986 c 292: See note following RCW 90.58.030.

**90.58.220 General penalty.** In addition to incurring civil liability under RCW 90.58.210, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars: PROVIDED FURTHER, That fines for violations of RCW 90.58.550, or any rule adopted thereunder, shall be determined under RCW 90.58.560. [1983 c 138 § 3; 1971 ex.s. c 286 § 22.]

**90.58.230 Violators liable for damages resulting from violation—Attorney's fees and costs.** Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. [1971 ex.s. c 286 § 23.]

**90.58.240 Additional authority granted department and local governments.** In addition to any other powers

granted hereunder, the department and local governments may:

(1) Acquire lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees. [1972 ex.s. c 53 § 1; 1971 ex.s. c 286 § 24.]

**90.58.250 Department to cooperate with local governments—Grants for development of master programs.** The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs. Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program. [1971 ex.s. c 286 § 25.]

**90.58.260 State to represent its interest before federal agencies, interstate agencies and courts.** The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies. [1971 ex.s. c 286 § 26.]

**90.58.270 Nonapplication to certain structures, docks, developments, etc., placed in navigable waters—Nonapplication to certain rights of action, authority.** (1) Nothing in this statute shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: PROVIDED, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying

said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) hereof.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on June 1, 1971 relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights. [1971 ex.s. c 286 § 27.]

**90.58.280 Application to all state agencies, counties, public and municipal corporations.** The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them. [1971 ex.s. c 286 § 28.]

**90.58.290 Restrictions as affecting fair market value of property.** The restrictions imposed by this chapter shall be considered by the county assessor in establishing the fair market value of the property. [1971 ex.s. c 286 § 29.]

**90.58.300 Department as regulating state agency—Special authority.** The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter. [1971 ex.s. c 286 § 30.]

**90.58.310 Designation of shorelines of state-wide significance by legislature—Recommendation by director, procedure.** Additional shorelines of the state shall be designated shorelines of state-wide significance only by affirmative action of the legislature.

The director of the department may, however, from time to time, recommend to the legislature areas of the shorelines of the state which have state-wide significance relating to special economic, ecological, educational, developmental, recreational, or aesthetic values to be designated as shorelines of state-wide significance.

Prior to making any such recommendation the director shall hold a public hearing in the county or counties where the shoreline under consideration is located. It shall be the duty of the county commissioners of each county where such a hearing is conducted to submit their views with regard to a proposed designation to the director at such date as the director determines but in no event shall the date be later than sixty days after the public hearing in the county. [1971 ex.s. c 286 § 31.]

**90.58.320 Height limitation respecting permits.** No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five [Ch. 90.58 RCW—p. 12]

feet above average-grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served. [1971 ex.s. c 286 § 32.]

**90.58.330 Study of shorelines of cities and towns submitted to legislature—Scope.** The department of ecology, the attorney general, and the harbor line commission are directed as a matter of high priority to undertake jointly a study of the locations, uses and activities, both proposed and existing, relating to the shorelines of the cities, and towns of the state and submit a report which shall include but not be limited to the following:

- (1) Events leading to the establishment of the various harbor lines pertaining to cities of the state;
- (2) The location of all such harbor lines;
- (3) The authority for establishment and criteria used in location of the same;
- (4) Present activities and uses made within harbors and their relationship to harbor lines;
- (5) Legal aspects pertaining to any uncertainty and inconsistency; and
- (6) The relationship of federal, state and local governments to regulation of uses and activities pertaining to the area of study.

The report shall be submitted to the legislature not later than December 1, 1972. [1971 ex.s. c 286 § 33.]

**90.58.340 Use policies for land adjacent to shorelines, development of.** All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as the [to] achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government. [1971 ex.s. c 286 § 34.]

**90.58.350 Nonapplication to treaty rights.** Nothing in this chapter shall affect any rights established by treaty to which the United States is a party. [1971 ex.s. c 286 § 35.]

**90.58.360 Existing requirements for permits, certificates, etc., not obviated.** Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license, or approval from any state agency or local government. [1971 ex.s. c 286 § 36.]

**90.58.370 Processing of permits or authorizations for emergency water withdrawal and facilities to be expedited.** All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the

processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. [1989 c 171 § 11; 1987 c 343 § 5.]

**Severability—1989 c 171:** See note following RCW 43.83B.400.

**Severability—1987 c 343:** See note following RCW 43.83B.300.

**90.58.500 Mt. St. Helens eruption—Exemption from emergency recovery operations—Compliance with objectives required—Sediment retention structure, exemption—Expiration of section.** Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements of the Shoreline Management Act of 1971, chapter 90.58 RCW, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources district supervisor of the southwest region of the department of ecology. The county shall comply with all substantive objectives of this chapter and shall consult with the department of ecology in the planning process.

The sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers is exempt from the substantial development permit requirement under RCW 90.58.030(3)(e).

This section shall expire on June 30, 1995. [1989 c 213 § 6; 1985 c 307 § 9; 1983 1st ex.s. c 1 § 3; 1982 c 7 § 4.]

**Severability—1983 1st ex.s. c 1:** See note following RCW 43.01.200.

**Severability—1982 c 7:** See note following RCW 36.01.150.

**90.58.550 Oil or natural gas exploration in marine waters—Definitions—Application for permit—Requirements—Review—Enforcement.** (1) Within this section the following definitions apply:

(a) "Exploration activity" means reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters;

(b) "Marine waters" include the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries;

(c) "Vessel" includes ships, boats, barges, or any other floating craft.

(2) A person desiring to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department of ecology. The department may approve an application for a permit only if it determines that the proposed activity will not:

(a) Interfere materially with the normal public uses of the marine waters of the state;

(b) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(c) Injure the marine biota, beds, or tidelands of the waters;

(d) Violate water quality standards established by the department; or

(e) Create a public nuisance.

(3) Decisions on an application under subsection (2) of this section are subject to review only by the pollution control hearings board under chapter 43.21B RCW.

(4) This section does not apply to activities conducted by an agency of the United States or the state of Washington.

(5) This section does not lessen, reduce, or modify RCW 90.58.160.

(6) The department may adopt rules necessary to implement this section.

(7) The attorney general shall enforce this section. [1983 c 138 § 1.]

*Ocean resources management act: Chapter 43.143 RCW.*

*Transport of petroleum products or hazardous substances: Chapter 88.40 RCW.*

**90.58.560 Oil or natural gas exploration—Violations of RCW 90.58.550—Penalty—Appeal.** (1) A person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an

appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. [1983 c 138 § 2.]

**90.58.570 Consultation before responding to federal coastal zone management certificates.** The department of ecology shall consult with affected state agencies, local governments, Indian tribes, and the public prior to responding to federal coastal zone management consistency certifications for uses and activities occurring on the federal outer continental shelf. [1989 1st ex.s. c 2 § 15.]

Severability—1989 1st ex.s. c 2: See RCW 43.143.902.

**90.58.600 Conformance with chapter 43.97 RCW required.** With respect to the National Scenic Area, as defined in the Columbia [River] Gorge National Scenic Area Act, P.L. 99-663, the exercise of any power or authority by a local government or the department of ecology pursuant to this chapter shall be subject to and in conformity with the requirements of chapter 43.97 RCW, including the management plan regulations and ordinances adopted by the Columbia River Gorge commission pursuant to the Compact. [1987 c 499 § 10.]

**90.58.900 Liberal construction—1971 ex.s. c 286.** This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. [1971 ex.s. c 286 § 37.]

**90.58.910 Severability—1971 ex.s. c 286.** If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected. [1971 ex.s. c 286 § 40.]

**90.58.911 Severability—1983 c 138.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1983 c 138 § 4.]

**90.58.920 Effective date—1971 ex.s. c 286.** This chapter is necessary for the immediate preservation of the public peace, health and safety, the support of the state

government, and its existing institutions. This 1971 act shall take effect on June 1, 1971. The director of ecology is authorized to immediately take such steps as are necessary to insure that this 1971 act is implemented on its effective date. [1971 ex.s. c 286 § 41.]

**90.58.930 Referendum to the people—1971 ex.s. c 286—Determining if act continues in force and effect.** This 1971 act constitutes an alternative to Initiative 43. The secretary of state is directed to place this 1971 act on the ballot in conjunction with Initiative 43 at the next ensuing regular election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the ensuing regular general election, the act shall continue in effect thereafter. [1971 ex.s. c 286 § 42.]

Reviser's note: Chapter 90.58 RCW [1971 ex.s. c 286] was approved and validated at the 1972 general election as Alternative Measure 43B.



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