ORDINANCE NO. 93

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 23, THE CITY'S INTERIM SHORELINE MANAGEMENT PLAN, AND REPEALING ANY AMENDMENTS WHICH HAVE BEEN AUTOMATICALLY ADOPTED SINCE THE DATE OF INITIAL ADOPTION

WHEREAS, City of Shoreline Ordinance No. 23 adopted by reference Title 25 of the King County Code as the City's Interim Shoreline Management Plan; and

WHEREAS, Ordinance No. 23 currently contains language which operates to automatically adopt amendments to Title 25 made by King County; and

WHEREAS, the City has found that there is no manageable method to monitor amendments made to Title 25 by King County and, therefore, City staff and the public may be unaware of amendments which have automatically occurred to Ordinance 23; and

WHEREAS, the City desires to maintain clarity in its ordinances and prevent possible confusion regarding City regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON , DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Ordinance No. 23. Section 1 of City Ordinance No. 23 is hereby amended to read as follows:

Authority to Adopt Interim Shoreline Management Plan.

Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160, and RCW 90.58.280, the City adopts by reference Title 25 of the King County Code (Exhibit A, hereto), as presently constituted ((~~or hereinafter amended,~~)) as the Interim Shoreline Management Plan. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Repeal of Amendments. Any amendments to King County Title 25 which have occurred since the date Ordinance No. 23 was adopted by the City are hereby repealed.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or

preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Mayor Connie King

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet E. Garrow
Interim City Attorney

Date of Publication: June 27, 1996
Effective Date: July 2, 1996

Exhibit A
Ordinance No. 93
Title 25
King County Code

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
25.28 Natural Environment
25.32 Procedures

CROSS-REFERENCE:

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

Chapter 25.04
PURPOSE - TITLE - SCOPE

Sections:

25.04.010 Purpose.
25.04.020 Citation.
25.04.030 Scope.
25.04.040 Liberal construction.
25.04.050 Relationship to other King County programs.
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. State flood control zone permit;
9. Zoning variance;
10. Conditional use permit;
11. Comprehensive plan amendment or addition;
12. Zone reclassification;
13. Unclassified use permit;
14. Planned unit development approval;
15. Subdivision approval.
16. Mobile home park permit;
17. Mobile home permit; and
18. Recreational vehicle park permit;
19. Commercial site development permit.

(Ord. 11016 § 17, 1993: 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:

25.08.010 Applicability of RCW and WAC definitions.
25.08.020 Access.
25.08.030 Aquatic resource practices.
25.08.040 Average grade level.
25.08.050 Backfill.
25.08.060 Backshore.
25.08.070 Beach feeding.
25.08.080 Berm.
25.08.090 Breakwater.
25.08.100 Bulkhead.
25.08.110 Class I beach.
25.08.120 Class II beach.
25.08.130 Class III beach.
25.08.140 Clearcut logging or clearcutting.
25.08.150 Department.
25.08.160 Development.
25.08.170 Director.
25.08.175 Dredging.
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25.08.200 Excavation.
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25.08.320 Nonwater related use.
25.08.330 Normal protective bulkhead common to single-family residences.
25.08.340 Open space, required.
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25.08.360 Person.
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25.08.400 Redesignation.
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25.08.450 Selective cutting.
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25.08.500 Shoreline setback.
25.08.510 Shorelines of statewide significance.
25.08.520 Shorelines of the state.
25.08.530 Side cast slopes.
25.08.540 Sign.
25.08.550 Slash.
25.08.560 Solid waste.
25.08.565 Stringer Bridge.
25.08.570 Substantial development.
25.08.580 Utilities.
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).

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 stablization 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

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.
25.16.160 Utilities.
25.16.170 Industrial development.
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 auxilliary 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 paritally 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 wold 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-putrescrible 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 a shoreline setback.

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 mititgate 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.
25.28.080 Signs.

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 computation 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.
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25.32.030 Permits - Application - Fee - Notice - Burden of proof of compliance.
25.32.040 Permits - Variance.
25.32.050 Permits - Conditional use.
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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).

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).