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KING COUNTY  
SHORELINE MASTER PROGRAM**

**Shoreline Regulations**

May 2007



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**Shoreline Development Regulations**

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***OUTLINE***

This document provides a brief overview of the development regulations that are proposed for unincorporated King County to implement the King County Shoreline Master Program in compliance with the Washington State Shoreline Management Act (90.58 RCW).

The King County shoreline regulations rely on the underlying zoning and other development regulations, but make specific modifications to these regulations for protection of these highly sensitive areas. Critical areas located within the shoreline jurisdiction are regulated under the shoreline regulations. State law requires that the protection of critical areas under the Shoreline Master Program must be at least equal to the protection of critical areas outside the shoreline jurisdiction.

<b>King County Regulations</b>	<b>Applicability to Shorelines</b>
Surface Water Management	<ul style="list-style-type: none"> <li>• Apply K.C.C. Chapters 9.04 and 9.08, and King County Stormwater Design Manual without modification</li> </ul>
Clearing and Grading	<ul style="list-style-type: none"> <li>• Apply K.C.C. Chapter 16.82 without modification, except for forest practices</li> </ul>
<ul style="list-style-type: none"> <li>• Forest Practices</li> </ul>	<ul style="list-style-type: none"> <li>• Not allowed in the High Intensity or Shoreline Residential Environments</li> <li>• In Natural Environment, limited to forest practices designed to enhance forest health</li> <li>• Comply with WADNR Forest Practice Rules</li> <li>• As required by RCW 90.58.150, within shorelines of statewide significance                             <ul style="list-style-type: none"> <li>○ Only selective commercial timber cutting for timber harvest within two hundred feet of the ordinary high water mark</li> <li>○ No more than thirty percent of the merchantable trees may be harvested in any ten year period of time.</li> <li>○ Requires a shoreline conditional use permit if forest practice:                                     <ul style="list-style-type: none"> <li>▪ Involves other timber harvesting methods in those limited instances where selective logging would be ecologically detrimental; or</li> <li>▪ Clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the King County Shoreline Master Program.</li> </ul> </li> </ul> </li> </ul>

King County Regulations	Applicability to Shorelines
Critical Areas	<p><b>The shoreline critical area regulations will be the existing critical areas regulations (K.C.C. Chapter 21A.24), with the following modifications:</b></p>
<ul style="list-style-type: none"> <li>• Expansion or replacement of non-conforming structures</li> </ul>	<ul style="list-style-type: none"> <li>• Generally                             <ul style="list-style-type: none"> <li>○ Up to 1000 sq. ft. expansion of existing residence within aquatic area buffer and wetland buffers allowed</li> <li>○ No expansion of a non-residential structure in an aquatic area or wetland buffer</li> </ul> </li> <li>• Natural Environment                             <ul style="list-style-type: none"> <li>○ Shoreline conditional use permit required to expand a residential structure in an aquatic area or wetland buffer</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Shoreline Stabilization including bulkheads</li> </ul>	<ul style="list-style-type: none"> <li>• Generally:                             <ul style="list-style-type: none"> <li>○ Erosion from waves or currents is imminently threatening a legally established residence or one or more substantial accessory structures;</li> <li>○ 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;</li> <li>○ The proposed bulkhead is located landward of the ordinary high water mark or it connects to adjacent, legally established bulkheads; and</li> <li>○ The maximum height of the proposed bulkhead is no more than one foot above the elevation of extreme high water on tidal waters or four feet in height on lakes;</li> </ul> </li> <li>• Comply with Washington State Integrated Stream Protection Guidelines;</li> <li>• High Intensity, Shoreline Residential, Rural, and Conservancy Shorelines                             <ul style="list-style-type: none"> <li>○ Replacement of shoreline stabilization only allowed to replace existing protection</li> <li>○ New shoreline stabilization must demonstrate need to protect existing structure</li> </ul> </li> <li>• Resource and Natural Shorelines                             <ul style="list-style-type: none"> <li>○ Requires a shoreline conditional use permit</li> <li>○ Avoid feeder bluffs, salmonid and forage fish habitat, and eelgrass beds</li> </ul> </li> </ul>

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Critical Areas	<p><b>The shoreline critical area regulations will be the existing critical areas regulations (K.C.C. Chapter 21A.24), with the following modifications:</b></p>
<ul style="list-style-type: none"> <li>• Docks and Piers</li> </ul>	<ul style="list-style-type: none"> <li>• Generally:               <ul style="list-style-type: none"> <li>○ Fixed docks not allowed along a shoreline with significant wetland vegetation (based on wetland rating – Habitat Score &gt;20 points)</li> <li>○ Evaluate nearshore marine environment conditions and potential impact</li> <li>○ Construction standards                   <ul style="list-style-type: none"> <li>▪ Freshwater anadromous salmonid lakes, see USACOE Regional General Permit RGP-3 (piers and ramps only within 30 feet of shore, height above water, width, grating, location and dimensions of ells, piling specifications, treated material, compensatory mitigation);</li> <li>▪ Freshwater non-anadromous lakes, see DDES Public Rule 25-16-120 (restrictions on toxic materials, 50% light penetration, piling diameter and spacing, minimize water coverage between 3 and 13 feet deep); and also construction timing limits</li> <li>▪ Marine waters, see USACOE Regional General Permit RGP-6 (piers limited to 6 feet, 30 - 50 % functional grating, floats limited to 8 ft by 20 ft., ramps limited to 4 ft wide, etc.)</li> <li>▪ Alternatives analysis – commercial or marina moorage; floating moorage buoys, joint use moorage piers</li> </ul> </li> </ul> </li> <li>• High Intensity, Shoreline Residential, and Rural Shoreline Environments               <ul style="list-style-type: none"> <li>○ Multi-family residential – 1 per development site</li> <li>○ SF Residential – max 1 per lot; demonstrate other options not available first</li> <li>○ Commercial &amp; industrial uses – max 1 per development site</li> </ul> </li> <li>• Conservancy Shoreline Environment               <ul style="list-style-type: none"> <li>○ Multi-family residential – 1 per development site</li> <li>○ SF Residential – max 1 per lot; demonstrate other options not available first</li> <li>○ Must be located at least 250 feet from another dock or pier</li> </ul> </li> <li>• Resource and Natural Shoreline Environments               <ul style="list-style-type: none"> <li>○ Requires a shoreline conditional use permit, except for viewing platforms or for water-dependent resource use</li> </ul> </li> </ul>

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King County Regulations	Applicability to Shorelines
<b>Critical Areas</b>	<b>The shoreline critical area regulations will be the existing critical areas regulations (K.C.C. Chapter 21A.24), with the following modifications:</b>
<ul style="list-style-type: none"> <li>• Emergency actions to address erosion and flood damage</li> </ul>	<ul style="list-style-type: none"> <li>• In natural environment, shoreline stabilization only allowed to protect existing structures</li> </ul>
<ul style="list-style-type: none"> <li>• Buffers (currently referred to as shoreline setbacks)</li> </ul>	<ul style="list-style-type: none"> <li>• High Intensity and Shoreline Residential Environments               <ul style="list-style-type: none"> <li>○ 115 feet from OHWM, unless in High Basin Condition area on CAO Basin Condition Map</li> </ul> </li> <li>• All other shoreline environments               <ul style="list-style-type: none"> <li>○ 165 feet</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Trails</li> </ul>	<ul style="list-style-type: none"> <li>• Constructed trails allowed to ordinary high water mark of shoreline or upper edge of wetland, as applicable;               <ul style="list-style-type: none"> <li>○ Maximum 3 foot width;</li> <li>○ Pervious materials such as wood chips; and</li> <li>○ Avoid all significant trees, and other woody vegetation to maximum extent practicable</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Fill</li> </ul>	<ul style="list-style-type: none"> <li>• Allowed waterward of the ordinary high-water mark only when necessary to support:               <ul style="list-style-type: none"> <li>○ Water-dependent use;</li> <li>○ Public access;</li> <li>○ Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;</li> <li>○ Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;</li> <li>○ Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or</li> <li>○ Mitigation actions, environmental restoration, beach nourishment, and enhancement projects.</li> </ul> </li> <li>• Requires a shoreline conditional use permit, unless for ecological restoration</li> <li>• Fill landward of the OHWM subject to clearing and grading code and CAO limitations.</li> </ul>

King County Regulations	Applicability to Shorelines
Critical Areas	<p><b>The shoreline critical area regulations will be the existing critical areas regulations (K.C.C. Chapter 21A.24), with the following modifications:</b></p>
<ul style="list-style-type: none"> <li>• Breakwaters, Jetties, Groins and Weirs</li> </ul>	<ul style="list-style-type: none"> <li>• Breakwaters, jetties, groins, and weirs allowed waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.</li> <li>• Requires a shoreline conditional use permit, except for structures installed to protect or restore ecological functions, such as woody debris installed in streams.</li> <li>• Must be designed to protect critical areas and shall provide for follow mitigation sequencing.</li> </ul>
<ul style="list-style-type: none"> <li>• Dredging and Dredged Material Disposal</li> </ul>	<ul style="list-style-type: none"> <li>• New development sited and designed to avoid, if possible, or minimize the need for new and maintenance dredging.</li> <li>• Dredging allowed for the establishing, expanding, or relocating or reconfiguring navigation channels and basins when necessary to assure safe and efficient accommodation of existing navigational uses.               <ul style="list-style-type: none"> <li>○ Significant ecological impacts must be minimized and mitigation shall be provided.</li> <li>○ Maintenance dredging of established navigation channels and basins restricted to maintaining previously dredged channels at the existing authorized location, depth, and width.</li> </ul> </li> <li>• Dredging not allowed waterward of the ordinary high-water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of ecological functions.               <ul style="list-style-type: none"> <li>○ The site where the fill is placed must be located waterward of the ordinary high-water mark.</li> <li>○ The project must be associated with a habitat restoration project under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or, with a shoreline conditional use permit, any other significant habitat enhancement project.</li> </ul> </li> <li>• Disposal of dredge material on shorelands is generally prohibited within a river's channel migration zone and prohibited in wetlands. A shoreline conditional use permit is required in order to place fill in the CMZ.</li> <li>• Dredging must be consistent with Policy RCM-3 of the 2006 King County Flood Hazard Management Plan.</li> </ul>

King County Regulations	Applicability to Shorelines
<b>Permitting</b>	
<ul style="list-style-type: none"> <li>• Letter of Shoreline Substantial Development Permit Exemption</li> </ul>	<ul style="list-style-type: none"> <li>• A development proposal that is exempt from the requirement to obtain a shoreline substantial development permit must comply with the shoreline master program and its regulations.</li> <li>• The following activities, when exempt from the requirement to obtain a shoreline substantial development permit, require a letter of shoreline exemption to demonstrate that the development is in compliance with the SMA and King County's Shoreline Master Program:               <ul style="list-style-type: none"> <li>○ New bulkheads or other shoreline stabilization</li> <li>○ Emergency construction</li> <li>○ New docks, piers, moorage buoys, floats</li> <li>○ Watershed restoration projects</li> <li>○ Any land disturbing activity landward of the OWHM, including clearing and grading, except for a Class I, II, III, or IV-S forest practice</li> </ul> </li> <li>• The following activities do not require a letter of shoreline substantial development permit exemption, but will be reviewed for compliance with the SMA and King County's Shoreline Master Program as part of permit review:               <ul style="list-style-type: none"> <li>○ Normal maintenance and repair of existing structures or developments.</li> <li>○ Construction or modification of navigational aids</li> <li>○ New single-family residences and normal appurtenances</li> <li>○ Governor certified projects per RCW 80.58</li> <li>○ Site exploration and investigation</li> <li>○ Class IV-G forest practices</li> </ul> </li> <li>• If an activity does not require review or approval from King County, a development proposal exempt from the requirement for a shoreline substantial development permit shall apply for a letter of shoreline exemption.</li> <li>• In the Natural Environment, a letter of shoreline exemption is required for any development proposal that is exempt from the requirement to obtain a shoreline substantial development permit</li> </ul>

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King County Regulations	Applicability to Shorelines
<b>Permitting</b>	
<ul style="list-style-type: none"> <li>• Shoreline conditional use permit</li> </ul>	<ul style="list-style-type: none"> <li>• Required for:               <ul style="list-style-type: none"> <li>○ Regional land uses</li> <li>○ Shoreline stabilization or docks and piers in the Natural and Natural Resource environments</li> <li>○ Some forest practices along shorelines of state-wide significance</li> <li>○ Residential development in the Natural environment</li> <li>○ Placement of dredged fill in a channel migration hazard zone</li> <li>○ Uses not otherwise addressed by the master program if the applicant can demonstrate consistency with the Shoreline Master Program and meets the requirements of WAC 173-27-160</li> </ul> </li> <li>• Cannot be used to authorize uses specifically prohibited by the Shoreline Master Program or not otherwise allowed on the property under the zoning code.</li> <li>• The fact that an activity requires a conditional use permit under the zoning code does not mean that it requires a shoreline conditional use permit.</li> </ul>
<ul style="list-style-type: none"> <li>• Shoreline variance</li> </ul>	<ul style="list-style-type: none"> <li>• Used to grant relief from specific bulk, dimensional or performance standards set forth in the Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.</li> <li>• Must meet the requirements of WAC 173-27-170</li> <li>• Reasonable use exceptions under K.C.C. Chapter 21A.24 are processed as a shoreline variance</li> <li>• The fact that an activity requires a zoning code variance or other exception does not mean that it requires a shoreline variance.</li> </ul>



King County Regulations	Applicability to Shorelines
Permitted Uses	<b>The permitted uses are those that apply to the underlying land use zone (K.C.C. chapter 21A.08), with the following modifications:</b>
Residential Uses	<ul style="list-style-type: none"> <li>• Multifamily uses should provide public access and recreational opportunities, when possible.</li> <li>• In the Natural Shoreline Environment, single family residential development may only be allowed as a shoreline conditional use.</li> <li>• Residential development in all shoreline environments must assure protection of ecological functions.</li> <li>• Hotels, motels, and lodging houses are only allowed in the high intensity environment and only as part of a water-oriented commercial use.</li> </ul>
Recreational/Cultural Uses	<ul style="list-style-type: none"> <li>• Recreational/cultural uses are allowed in the high intensity environment only as part of a water-oriented commercial use.</li> <li>• Water-dependent and water-oriented uses allowed in the conservancy environment.</li> <li>• Low intensity water-oriented recreational uses allowed in the natural environment.</li> <li>• Destination resorts allowed only as a Shoreline Conditional Use in the natural environment.</li> <li>• Over-water structures allowed only for water dependent uses and public access.</li> </ul>
Commercial Uses Generally	<ul style="list-style-type: none"> <li>• Public access is required on all commercial development on public land, unless the use is incompatible or there are public safety concerns.</li> <li>• Nonwater-oriented commercial uses are prohibited in the shoreline zone unless they meet the following criteria:               <ul style="list-style-type: none"> <li>• The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or</li> <li>• Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.</li> </ul> </li> <li>• Nonwater-oriented commercial development may be allowed in the shoreline zone if the site is physically separated from the shoreline zone by another property or public right of way.</li> <li>• Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.</li> </ul>

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King County Regulations	Applicability to Shorelines
Permitted Uses	<b>The permitted uses are those that apply to the underlying land use zone (K.C.C. chapter 21A.08), with the following modifications:</b>
General Service Uses	<ul style="list-style-type: none"> <li>• Only as part of a water-oriented use.</li> <li>• Not allowed in the Natural Environment.</li> </ul>
Government/Business Service Uses	<ul style="list-style-type: none"> <li>• Only as part of a water-oriented use.</li> <li>• Not allowed in the Natural Environment</li> </ul>
Retail Uses	<ul style="list-style-type: none"> <li>• Retail uses in the High Intensity, Shoreline Residential, and Rural Environments only as part of a water-oriented commercial use.</li> <li>• In the conservancy environment, only low-intensity, water-oriented retail uses.</li> <li>• Not allowed in the Natural Environment</li> <li>• Over-water structures allowed only for water dependent uses and for public access.</li> </ul>
Manufacturing Uses	<ul style="list-style-type: none"> <li>• Manufacturing uses only allowed in High Intensity environment as part of a water-oriented commercial use.</li> </ul>
Resource Land Uses	<ul style="list-style-type: none"> <li>• Resource uses are allowed only in the Rural, Conservancy, Natural Resource, Natural, and Aquatic environments.</li> </ul>
Regional Land Uses	<ul style="list-style-type: none"> <li>• Regional land uses require a Shoreline Conditional Use permit.</li> <li>• Not allowed in the natural environment, unless no other alternative is available.</li> <li>• Transportation and utility corridors and parking areas are allowed in the shoreline zone only if there is no other alternate location, not located over ESA species spawning or rearing habitat, corridor width is minimized, construction during approved periods for instream work, no effect on flows, and no effect on flood storage capacity.</li> </ul>

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King County Regulations	Applicability to Shorelines
<b>Other Zoning Code Requirements</b>	<b>The standards that apply in the shoreline zone are those that apply to the underlying land use zone, with the following modifications:</b>
Density and Dimensions (K.C.C. 21A.12)	
Building height	<ul style="list-style-type: none"> <li>• 35 feet maximum height in the High Intensity, Rural, and Conservancy environments except for water dependent industrial uses in the High Intensity environment.</li> <li>• 30 feet in the Natural environment.</li> <li>• Residential accessory structures limited to no more than 8 feet in height in all environments.</li> <li>• In the High Intensity, Shoreline Residential, and Rural environments, single family height requirements may be modified if the view of a “substantial” number of residences will not be obstructed.</li> </ul>
Impervious surface	<ul style="list-style-type: none"> <li>• No more than 10 percent total impervious surface area within the lot or parcel; alternate standards may be allowed</li> <li>• Compliance with KCC Chapter 9.04.</li> <li>• Residential accessory structures limited to no more than 150 square feet.</li> </ul>
Design Requirements (K.C.C. 21A.14)	<ul style="list-style-type: none"> <li>• In the High Intensity, Shoreline Residential, Rural, and Conservancy environments, setbacks and easements must allow for public access where there is a King County proposed trail or where historic access has occurred.</li> </ul>
Landscaping and Water Use (K.C.C. 21A.16)	<ul style="list-style-type: none"> <li>• In the Conservancy environment maintain the first 50 feet of property abutting a Natural environment as permanent open space.</li> <li>• In the Natural environment – for parking, retain existing vegetation or plant to conform to the landscape standards in the zoning code.</li> </ul>
Parking and Circulation (K.C.C. 21A.18)	<ul style="list-style-type: none"> <li>• In the High Intensity, Rural, and Conservancy environments, for development other than single family residential and agricultural parking: 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.</li> <li>• 200 feet parking setback in the Natural environment.</li> </ul>

King County Regulations	Applicability to Shorelines
Other Zoning Code Requirements	<b>The standards that apply in the shoreline zone are those that apply to the underlying land use zone, with the following modifications:</b>
Signs (K.C.C. 21A.20)	<ul style="list-style-type: none"> <li>• In the High Intensity, Shoreline Residential, and Rural environments:               <ul style="list-style-type: none"> <li>• Signs shall have no auxiliary projections or attachments.</li> <li>• Artificial lighting of signs shall be directed away from adjacent properties and the water.</li> <li>• Signs waterward of the ordinary high water mark shall be permitted only to the extent necessary for the operation of a permitted overwater development. These signs may not be larger than five square feet.</li> </ul> </li> <li>• In the Rural environment, signs may not be larger than 50 square feet.</li> <li>• In the Conservancy environment signs are not allowed, except:               <ul style="list-style-type: none"> <li>• Educational signs of not more than twenty-five square feet erected within recreational developments</li> <li>• Signs permitted under the zoning code for single detached residences consistent with the zoning code;</li> <li>• Signs permitted under the zoning code for agricultural activities consistent the zoning code</li> </ul> </li> <li>• In the Natural Resource and Natural environments, signs are not permitted, except for educational signs of no more than twenty-five square feet within recreational developments and signs that are permitted for single detached residences by K.C.C. 21A.20.080.</li> </ul>