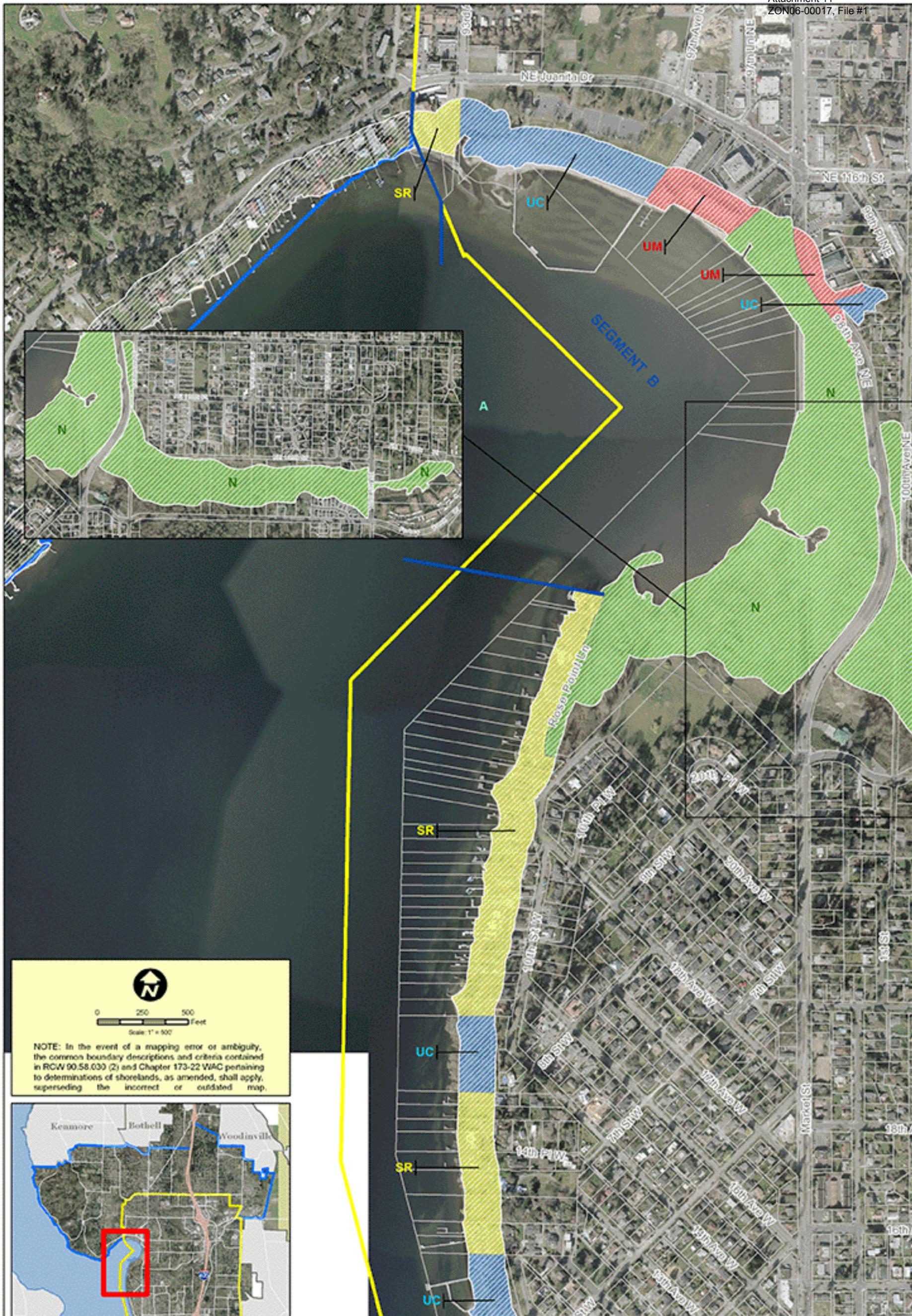


Figure Xa

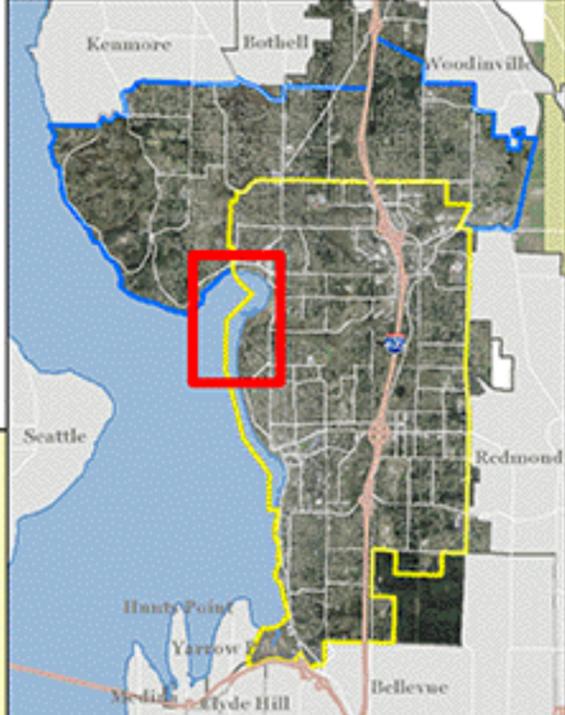


Figure Xc



Scale: 1" = 500'

NOTE: In the event of a mapping error or ambiguity, the common boundary descriptions and criteria contained in RCW 90.58.030 (2) and Chapter 173-22 WAC pertaining to determinations of shorelands, as amended, shall apply, superseding the incorrect or outdated map.



Proposed Shoreline Environment Designations

Shoreline Master Program - City of Kirkland

A Aquatic	Shoreline Management Area
N Natural	Kirkland City Limits
SR Shoreline Residential	Kirkland Potential Annexation Area
UC Urban Conservancy	
UM Urban Mixed	

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Figure Xd

Section 60.27



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.27	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							High Water Line
.020	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	3,600 sq. ft. per unit	30'	The greater of: a. 15', or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'. See Spec. Reg. 7.	10' See Spec. Ref. 7.	The greater of: a. 15', or b. 15% of the average parcel depth.	80%	30' above average building elevation. See Special Regulation 2.	D	A	2.0 per unit.	<ol style="list-style-type: none"> 1. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 2. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 3. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of the isolation. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public. 6. The hotel or motel use may not include restaurant, retail, or office uses. 7. For attached or stacked dwelling units, this yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide the otherwise applicable minimum required yard.
.030	Hotel or Motel		None	The minimum dimension of any yard, other than those listed, is 5'.							B	E	

(Revised 4/07)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.27	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure
				Front	North Property Line	South Property Line	High Water Line						
.040	Assisted Living Facility	Process IIB, Chapter 152 KZC.	3,600 sq. ft.	30'	The greater of: a. 15', or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	10'	The greater of: a. 15', or b. 15% of the average parcel depth.	80%	30' above average building elevation.	D	A	2.0 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design; and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 4. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. The City shall require signs designating the public pedestrian access and public use areas.
.050	Public Access Pier or Boardwalk		None	Waterward of the High Waterline	--	10'	10'	--	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	<ol style="list-style-type: none"> 1. No accessory uses, buildings, or activities are permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 3. May not treat a structure with creosote, oil base or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Pier must be adequately lit; the source of the light must not be visible from neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access or adjacent property.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 30.15	USE ↙ REGULATIONS ↘	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line						
.050	General Moorage Facility	Process IIA, Chapter 150 KZC.	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline 30' The greater of: See Gen. Regs. a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'. Waterward of the High Waterline -- 10' 10' -- No moorage structure may be— a. Within 100' feet of a public park or b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure; or (See next page for the rest of the Required Yard Regulations)	10' For moorage structure, 0' For other structures, the greater of a. 15' or b. 15% of the average parcel depth.	80%	Landward of the High Waterline, 30' above average building elevation. See also Spec. Reg. 3. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.	B	B See Spec. Reg. 13.	1 per each 2 slips. Otherwise, None, if the moorage is reserved for the exclusive use of an adjoining residential development.	<ol style="list-style-type: none"> Except as permitted by Special Regulation 16, no structures, other than each moorage structure or public access pier, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> The increase is offset by a view corridor that is superior to that required by the General Regulations; or The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. The City will determine the maximum allowable number of moorages based on the following factors: <ol style="list-style-type: none"> The ability of the land landward of the high waterline to accommodate the necessary support facilities. The potential for traffic congestion. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review size and configuration of moorage structures to insure that: <ol style="list-style-type: none"> The moorage structures are not larger than is necessary to moor the specified number of boats; and The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and The moorage structures will not adversely affect nearby uses; and The moorage structures will not have a significant long term adverse effect on aquatic habitats. If the moorage structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. 	

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 30.15



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 30.15	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure
				Front	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility (continued)			<p>c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening over-water structure; or</p> <p>d. Within 25' of another moorage structure not on the subject property.</p> <p>The minimum dimension of any yard, other than those listed, is 5'.</p> <p>See previous page for the rest of this column.</p>								<p>8. May not treat moorage structure with creosote, oil base or toxic substance.</p> <p>9. Must provide at least two covered and secured waste receptacles.</p> <p>10. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>11. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property.</p> <p>12. Piers must be adequately lit. The source of light must not be visible from neighboring properties.</p> <p>13. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high.</p> <p>14. Covered moorage is not permitted.</p> <p>15. Aircraft moorage is not permitted.</p> <p>16. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:</p> <p>a. Boat and motor sales leasing.</p> <p>b. Boat and motor repair and service if:</p> <p>1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and</p> <p>2) All dry land motor testing is conducted within a building.</p> <p>c. Boat launching ramp if:</p> <p>1) It is not for use of the general public; and</p> <p>2) Is paved with concrete; and</p> <p>3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and</p> <p>4) Access to the ramp is not directly from the frontage road; and</p> <p>5) The design of the site is specifically approved by the City.</p> <p>d. Dry land storage. However, stacked storage is not permitted.</p> <p>e. Meeting and special events rooms.</p> <p>f. Gas and oil sale for boats, if:</p> <p>1) Storage tanks are underground and on dry land; and</p> <p>2) The use has facilities to contain and cleanup gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the deck.</p> <p>17. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</p>	



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 30.15	USE ↙ REGULATIONS ↘	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.060	Restaurant	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	30' See Gen. Regs.	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Special Regulation 3.	B	E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages, see the moorage listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and <ol style="list-style-type: none"> a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 5. Outside storage is not permitted. 6. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 20.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop See Spec. Reg. 9.	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	5' but 2 side yards must equal at least 15'.	10'	60%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area. Must be located on a collector arterial or higher volume right-of-way. Placement and scale must indicate pedestrian orientation. Must mitigate traffic impacts on residential neighborhood. Gross floor area may not exceed 3,000 square feet. May not be located above the ground floor of a structure. Hours of operation may be limited to reduce impacts on nearby residential uses. This use is not permitted in an RM zone located within the NE 85th Street Subarea.
.070	Mini-School or Mini-Day-Care	Within the NE 85th Street Sub-area, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.						D	B	See KZC 105.25.	<ol style="list-style-type: none"> May locate on the subject property if: <ol style="list-style-type: none"> It will not be materially detrimental to the character of the neighborhood in which it is located. Site design must minimize adverse impacts on surrounding residential neighborhoods. A six-foot-high fence is required along the property line adjacent to the outside play areas. Structured play areas must be set back from all property lines by five feet. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Existing Comprehensive Plan Goals/Policies related to Land Use

Goal/Policy #	Policy Language	Page #	Consistency with Proposed SMP Goals/Policies
Framework Goals			
FG-1	Maintain and enhance Kirkland's unique character	II-3	Policy SMP – 1.1 addresses issues of diversity and character.
FG-3	Maintain vibrant and stable residential neighborhoods and mixed-use developments, with housing for diverse income groups, age groups, and lifestyles.	II-3	Goal SMP -6 addresses the need to protect and enhance existing residential neighborhoods within the shoreline area.
FG-5	Protect and preserve environmentally sensitive areas, and a healthy environment.	II-4	Goal SMP – 1, Goal SMP – 3, and Policy SMP – 3.1 address protection of natural areas, including environmentally sensitive areas.
FG-8	Maintain and enhance Kirkland's strong physical, visual and perceptual linkages to Lake Washington	II-5	Policy SMP – 1.2 addresses the need to protect and enhance the aesthetic quality of shoreline areas. Note: Additional policies addressing visual and physical access to the shoreline will be presented in future sections.
Community Character			
CC-1.4	Encourage and develop places and events throughout the community where people can gather and interact	IV-3	Goal SMP – 7 and related policies address waterfront orientation of commercial uses located along shoreline. Note: Additional policies addressing the role of public shoreline parks will be presented in future sections.
Land Use			
LU-1.5	Regulate land use and development in environmentally sensitive areas to ensure environmental quality and avoid unnecessary public and private costs	VI-9	Goal SMP -3 and related policies address protection of environmental sensitive areas.
LU-4	Protect and enhance the character, quality, and function of existing residential neighborhoods while accommodating the City's growth targets.	VI-13	Goal SMP – 6
LU-4.1	Maintain and enhance Kirkland's single family residential character	VI-13	Goal SMP – 6
LU-4.4	Consider neighborhood character and integrity when	VI-13	Shoreline environment designations are intended to be

Goal/Policy #	Policy Language	Page #	Consistency with Proposed SMP Goals/Policies
	determining the extent and type of land use changes		used to respond to unique characteristics of the different shoreline areas.
LU-5.2	Maintain and strengthen existing commercial areas by focusing economic development within them and establishing development guidelines	VI-16	Goal SMP - 7
LU-5.3	Maintain and enhance Kirkland's Central Business District (CBD) as a regional Activity Area, reflecting the following principles in development standards and land use plans: <ul style="list-style-type: none"> • Create a compact area to support a transit center and promote pedestrian activity • Promote a mix of uses, including retail, office, and housing • Encourage uses that will provide both daytime and evening activities • Support civic, cultural and entertainment activities • Provide sufficient public open space and recreational opportunities • Enhance, and provide access to, the waterfront 	VI-17	Policy SMP – 7.1 addresses desire for water-enjoyment uses in shoreline area Policy SMP – 7.2 address visual access and linkages to the shoreline
LU-5.7	Emphasize new office development with a complimentary mix of supporting uses in the Business District at the Yarrow Bay interchange area	VI-18	Note: The Plaza at Yarrow Bay Business Park is not located within the shoreline jurisdiction. The shoreline jurisdiction is defined by the edge of the shoreline associated wetlands in this area, which excludes the existing buildings and parking lots.
Lakeview Neighborhood			
	Policy direction for Yarrow Bay wetlands (Development in Yarrow Bay wetland area should maintain the functional integrity of the wetlands and maintain the biological functions of storage and cleansing of runoff waters).	XV.A-6	Policy SMP – 6.4 addresses development within Planned Area 2 and the need to carefully evaluate development in this area to protect ecological functions. Note: Additional policies addressing protection of wetlands will be included in the Natural Environment section.
	Yarrow Bay wetlands should be reserved for open space or	XV.A-6	Policy SMP – 6.4 addresses development within Planned

Goal/Policy #	Policy Language	Page #	Consistency with Proposed SMP Goals/Policies
	park use or severely limited development		Area 2 and the need to carefully evaluate development in this area to protect ecological functions. Note: Additional policies addressing public acquisition of impacted properties will be addressed in future sections.
	Constraints on development in Planned Area 3	XV.A-7	Only portions of Planned Area 3 are located within the shoreline jurisdiction, including the Yarrow Bay wetlands and a portion of the Villaggio Apartments. Protection of the sensitive areas is discussed in Goal SMP -3 and related policies.
	Subarea A is suitable for medium-density residential uses	XV.A-7	
	Subarea B is suitable for multifamily, hotel/motel, and limited marina use	XV.A-7	Policy SMP -7.6 addresses these limited commercial uses
	Subarea B should include public use areas	XV.A-7	Note: The public trail system referenced has been constructed on the property.
	The primary objective for development in PLA 15 are to maximize public access, use, and visual access to the lake and to maintain the natural characteristics and amenities of the Houghton Slope	XV.A-8	Policy SMP – 7.3
	Subarea A should be developed with a mixture of uses. Residential development should be allowed at a density of 12 dwellings per acre	XV.A-8	Policy SMP – 7.3
	'Water dependent' and 'water oriented' commercial uses should be included	XV.A-9	Policy SMP – 7.3
	Visual access to Lake Washington from Lake Washington Boulevard should be maintained. To achieve greater visual access, building height, setback, and view corridor requirements may be varied. Views from existing developments should be protected.	XV.A-9	Policy SMP – 7.3
	Development elsewhere along the shoreline is discussed (existing development elsewhere along the shoreline is primarily residential. Outside of Planned areas, multifamily	XV.A-10	Proposal is to apply a Shoreline Residential environment designation to this portion of the Lakeview Neighborhood. Note: Densities will need to be reviewed with the

Goal/Policy #	Policy Language	Page #	Consistency with Proposed SMP Goals/Policies
	uses should continue to be permitted at medium densities (12 units per acre).		shoreline regulations for this area.
	Commercial activities along the shoreline area are discussed (commercial uses should not be permitted along the shoreline south of Planned Area 15 due to the residential character of the area as well as access and visibility limitations North of Planned Area 15, commercial activities should be permitted if public access to and use of the shoreline is enhanced).	XV.A-13	Policy SMP – 7.5
Moss Bay Neighborhood – Downtown Plan			
	A critical mass of retail uses and services is essential to the economic vitality of the Downtown area	XV.D-4	Policy SMP – 7.1.
	Pedestrian activity in the core area is to be enhanced	XV.D-4	Policy SMP – 7.2
	Design District 2 – One to three stories in building height above Central Way or Lake Street are appropriate to Design District 2, depending on location.	XV.D-12	Policy SMP – 7.2
	Visual Landmarks – Lake Washington is a major landmark in Downtown Kirkland	XV.D-15	Policy SMP – 7.2
	A large public plaza should be constructed west of buildings on Lake Street to enhance the Downtown’s lakefront setting	XV.D-19	Policy SMP – 7.2
Moss Bay Neighborhood – Perimeter Areas			
	Development along the shoreline is discussed (new residential structures constructed waterward of the high water line are not permitted).	XV.D-22	Policy SMP – 6.2
Market Neighborhood			
Goal M-3	Retain neighborhood character while accommodating compatible infill development	XV.K-9	Goal SMP – 6
North/South Juanita Neighborhood			
	Retail, office and residential uses should be allowed in JBD 4	XV.I-23	Policy SMP – 7.4
	Continuous shoreline access between Juanita Bay Park and Juanita Beach Park is important; the missing link should be acquired.	XV.I-23	Policy SMP – 7.4



Introduction to Washington's Shoreline Management Act (RCW 90.58)

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The Act establishes a broad policy giving **preference** to uses that:

- protect the quality of water and the natural environment,
- depend on proximity to the shoreline ("water-dependent uses"), and
- preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a **balance of authority** between local and state government. Cities and counties are the primary regulators but the state (through the Department of Ecology) has authority to review local programs and permit decisions.

Shoreline master programs

Under the SMA, each city and county adopts a **shoreline master program** that is based on state guidelines but tailored to the specific needs of the community. More than **200 cities** and **all 39 counties** have shoreline master programs.

Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Local governments may **modify master programs** to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement. At a minimum, local governments must hold public

hearings. Substantial revisions are usually written with help from citizen advisory committees.

Ecology provides **technical assistance** to all local governments undertaking master program amendments. Ecology also provides **grants** (approx-

mately \$425,000 per year) to local governments within the state's Coastal Zone (jurisdictions within the 15 counties with saltwater shorelines).

Most shoreline master programs were originally written between 1974 and 1978. Since then, approximately 25% of these

Where does the Shoreline Management Act apply?

The Shoreline Act applies to:

- all marine waters;
- streams with a mean annual flow greater than 20 cubic feet per second;
- water areas of the state larger than 20 acres;
- Upland areas called "shorelands" 200 feet landward from the edge of these waters;

and the following areas when they are associated with one of the above:

- biological wetlands and river deltas; and
- some or all of the 100-year floodplain including all wetlands within the entire floodplain.

Shorelines of State-wide Significance

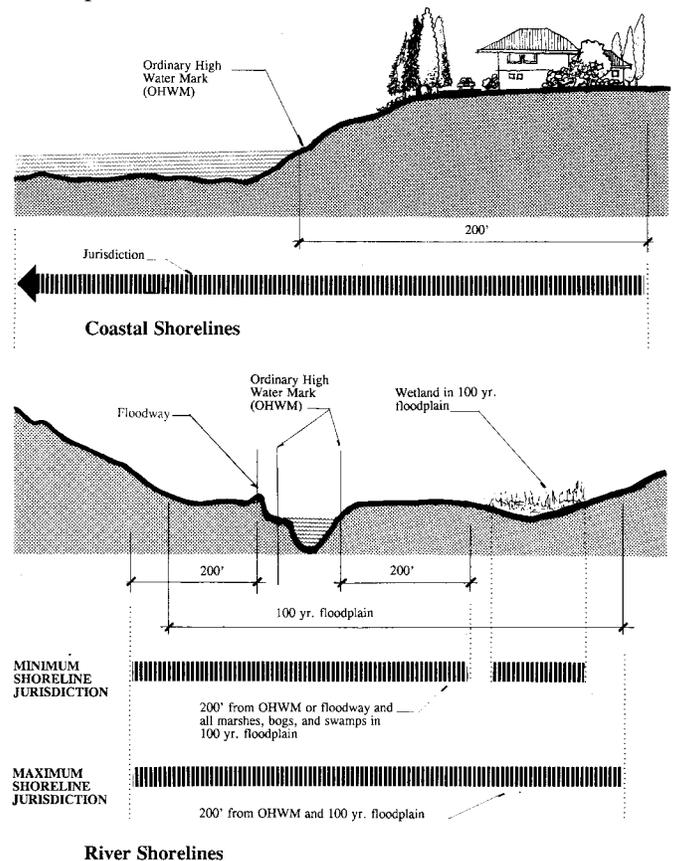
The Shoreline Act also states that "the interests of all the people shall be paramount in the management of shorelines of statewide significance."

These shorelines are defined in the Act as:

- Pacific Coast, Hood Canal and certain Puget Sound shorelines;
- all waters of Puget Sound and the Strait of Juan de Fuca;

- lakes or reservoirs with more than 1,000 surface acres;
- larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and

- greater east of the Cascade crest); and
- wetlands associated with all the above.



The Shoreline Management Act applies to more than 20,000 miles of shorelines: 2,300 miles of lake shores, 16,000 miles of streams, and 2,400 miles of marine shoreline.

programs have been significantly updated; 50% have only had minor amendments, and 25% have never been amended.

Master program amendments are effective after **Ecology's approval**. In reviewing master programs, Ecology is limited to a decision on whether or not the proposed changes are consistent with the policy and provisions of the Act and state master program guidelines.

Shoreline permits

Each local government has established a system of permitting for shoreline development.

Substantial Development Permits are needed for projects costing over \$5,000, or those which materially interfere with the public's use of the waters.

Some projects and activities are simply prohibited by local master programs or under the policy of the Act. However, it is far more common that the issue is *how* a development should be done - not whether or not it should be done.

Local governments may also issue **Conditional Use** or **Variance** permits to allow flexibility and give consideration to special circumstances. Ecology must approve all conditional use and variance permits.

Local governments issue approximately **750 permits every year**.

Permit exemptions

The Shoreline Management Act **exempts** certain developments from the need to obtain a substantial development permit. Among other things, permits are not needed for:

- Single family residences
- Normal protective bulkheads for single family residences
- Normal maintenance and repair of existing structures
- Docks worth less than \$5,000 (salt water) or \$10,000 (fresh water).

- Normal farming activities
- Emergency construction needed to protect property

Activities exempted from the need to acquire a permit must still comply with all substantive policies and regulations of the local master program.

Public involvement and appeals

The Act strongly supports **public involvement** in shoreline decision making. Citizens participate on advisory boards preparing local master programs, and public comment is required for individual permits.

The **Shorelines Hearings and Growth Management Boards** are quasi-judicial bodies whose members representing citizen interests. Any aggrieved party may appeal a shoreline permit to the Shorelines Hearings Board. Master program amendments or adoptions may be appealed to a Growth Management Hearings Board (for GMA jurisdictions) or the Shorelines Hearings Board (for non-GMA jurisdictions).

Ecology's role

Most of Ecology's work involves providing technical assistance *prior* to a local decision.

■ Ecology shoreline specialists work with local planners on the phone, at pre-application meetings, and through site visits.

■ Ecology works with applicants to make sure the project does not harm shorelines - in many cases the project can be redesigned so that it meets the policies and regulations of the local master program.

■ Ecology often receives early notice of a project through SEPA, and works with applicants and local governments before the permit is filed.

After local government issues its permits, Ecology has 21 days to review substantial development permits and 30

Federal Coastal Zone Management Act

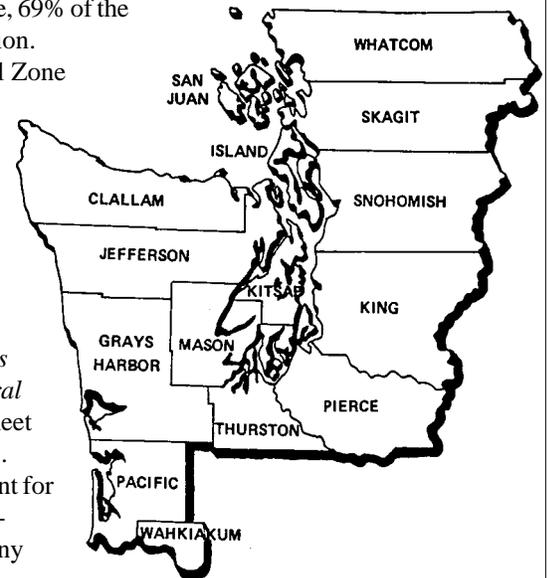
In 1976, Washington became the first state to develop an approved coastal management program under the federal Coastal Zone Management Act, a voluntary federal program that fosters active state involvement in managing the nation's coastal zones. The Shoreline Management Act is the basis of Washington's CZM program.

The coastal program benefits jurisdictions within the **fifteen counties** bordering Washington's 2,337 miles of saltwater shorelines. The coastal zone is home to almost 4 million people, 69% of the state's population.

The Coastal Zone program gives the state **legal muscle** over federal projects. The state can require federal projects (*and private projects that need federal approval*) to meet state standards. This requirement for "federal consistency" is in many

cases the only leverage that the state has to influence federal projects.

The CZM program also provides **money** to Washington State. Since 1976, the state has received \$2 million every year. This grant pays for Ecology's review of shoreline permits, enforcement, technical assistance, and education. Ecology also awards grants (\$425,000 annually) to local governments for shoreline master program updates, waterfront revitalization plans, education programs, and public access.



days to review conditional use and variance permits. Ecology's role is to determine if the local action is consistent with the local master program and the policy of the Act.

If Ecology disagrees with a local decision on a **substantial development permit**, Ecology may appeal the decision to the Shoreline Hearings Board.

Ecology must approve or deny all **conditional use** or **variance permits**.

Ecology's decisions on conditional use or variance permits may be appealed to the Shorelines Hearings Board.

From 1993 - 2002, local governments issued 7,733 substantial development permits. Of those Ecology appealed 36 to the Shorelines Hearings Board and 453 were appealed by other parties. During those same years local governments issued 2,626 conditional use permits and variances of which 101 were denied by Ecology.

While the primary responsibility to enforce the SMA rests with local governments, Ecology has a duty to insure compliance. This is done through permit review, technical assistance, orders, and penalties.