

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE LAND USE POLICIES PLAN (COMPREHENSIVE PLAN) ORDINANCE 2346 AS AMENDED.

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain portions of the Land Use Policies Plan (Comprehensive Plan) for the City, Ordinance 2346 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated September 20, 1984 and bearing Kirkland Department of Planning and Community Development File No. IV-84-8; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on September 11, 1984 and September 20, 1984, public hearings on the amendment proposals and considered the comments received at said hearing; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final declaration of non-significance (including supporting environmental documents) issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, in regular public meeting the City Council considered the report and recommendation of the Planning Commission, now, therefore,

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Text amended: The following specific portions of the text of the Land Use Policies Plan, Ordinance 2346 as amended, be and they hereby are amended as set forth in Exhibits 1 through 3, inclusive, attached to this ordinance and by this reference incorporated herein.

Section 2. Graphics amended: The following graphics or figures appearing on the identified pages of the Land Use Policies Plan, Ordinance 2346 as amended, be and they hereby are amended as set forth in Exhibit 4, attached to this ordinance and by this reference incorporated herein.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. To the extent that the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council as created by Ordinance 2001, said plan shall become effective within the Houghton community either upon approval of the Houghton Community Council, or upon failure of said community council to disapprove this ordinance within 60 days of its passage.

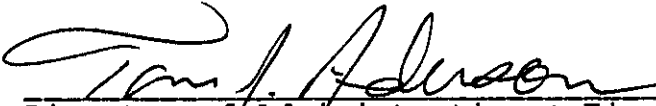
Section 5. Except as provided in Section 4, this ordinance shall be in full force and effect five days from and after its passage by the City Council and publication or posting as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of October, 1984.


Signed in authentication thereof this 15th day of October, 1984.

  
MAYOR

ATTEST:


  
Director of Administration & Finance  
(ex officio City Clerk)

APPROVED AS TO FORM:

  
City Attorney

#### CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 15th day of OCTOBER, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

  
Clerk

8072B/131A/ES:br

appearance of this area (see the Open Space/Parks section for more information).

The area bounded by Lakeview Drive, NE 64th Street, the railroad and approximately NE 58th Street falls within a potentially hazardous slope area (see the Natural Elements section). All permitted developments will be preceded by adequate slope stability investigations. The presence of an open stream, limited access and existing small lot sizes impose limits on the feasible residential densities. Densities of 4 to 5 dwelling units per acre are appropriate in this area.

Residential development densities on the potentially unstable slope area are to be limited.

The entire residential area south of NE 58th Street lies on the part of the Houghton Slope identified as unstable. This area is prone to sliding and erosion. Slopes are steep at an average of 15 per cent with some slopes up to 25 per cent. ~~There is a series of~~ are several steep ravines which indicates have a particularly high hazard of sliding. There are large amounts of groundwater in the Slope causing artesian pressure and many small streams. ~~Some~~ liquefaction has occurred causing slides in the watershed to the south. ~~The instability of the sand layer greatly increases when wet or modified.~~ The presence of deep clay units in portions of the slope can also be a contributing factor to landsliding The types of soils in the slope also contribute to its instability, particularly when wet. ~~The slope will also be prone to~~ sliding is also likely in a time of a low intensity earthquake.

There are geologic constraints on development on the unstable Houghton Slope.

~~In addition to geologic constraints, there are a series of other factors which limit development densities on the slope.~~ The possibilities for severe erosion increases as the slope increases. The Slope area is heavily wooded and of significant aesthetic

~~Other factors to be considered on the Houghton Slope.~~ Heavily wooded areas have both aesthetic and utilitarian value.

value particularly for those who enter the City from the south on Lake Washington Boulevard. Besides the aesthetic value of the wooded cover, it is also important in contributing to the slopes stability.

Most traffic from developments on the Houghton Slope will have to enter the heavy traffic flows on the Boulevard from steeply sloped driveways. Additionally, in many instances, the line of sight distances for automobiles entering and leaving the flow are generally too short to be safe. These conditions make vehicular access problematic, especially ~~makes the access of~~ for emergency vehicles difficult. ~~It will also be important to consider the greater expenditures involved in development on the Slope due to natural and physical constraints on development.~~

Vehicular access to and from the Houghton Slope is problematic.

The ~~natural and other~~ development constraints discussed above, combine to reduce the feasible residential densities. ~~to 1 to 3 dwelling units per acre. Permitting higher density development along the entire Slope could compound the adverse impacts of a single high density development.~~ It is the cumulative effects resulting from full development at medium to high densities that are of greatest concern. ~~The cumulative effects of full slope~~ Such development could increase the hazards to life and property and disrupt the aesthetic character of the slope.

Residential development on the unstable slope ~~are to~~ should be severely limited.

Consequently, Tthe base density for residential development on the unstable slope is should be 1 to 3 dwelling units per acre, subject to the following standards:

On the unstable slope, residential densities of 1 to 3 dwelling units per acre should be permitted according to standards.

- (1) Soils Preparation of a slope stability analysis; is required.
- (2) ~~Clustering of structures is encouraged.~~
- (3) (2) The maintenance of maximum vegetative cover; is required.

- ~~(4)~~ (3) Retention of watercourses-are to-be-retained in a natural state;
- ~~(5)~~ (4) Control of surface runoff-is-to be-controlled at predevelopment levels.
- ~~(6)~~ (5) Limitation of the number of points of access are-to-be minimized;
- ~~(7)~~ (6) There-is-to-be-a special review of all development plans.

Residential densities on the unstable slope may should be allowed to be increased by an extra one to two dwelling units per acre (up to 5 dwelling units per acre) depending on the degree to which the development proposal conforms to the following standards, in addition to the standards listed above:

Four to five dwelling units per acre should be permitted according to additional standards.

- (1) ~~Soils-and-geologic-analyses-are required.--The-City-will-assist in-selecting-an-appropriate Consultant-and-establish reasonable-study-parameters. Analysis-would-cover Preparation of a slope stability analysis which addresses the-area-of the site to be developed, as-well as adjacent sites, and the immediate drainage area;~~
- (2) Recording of a covenant which The-developer-will indemnify and holds harmless the City for any damages resulting from slope instability. by-a covenant-running-with-the-land, in-a-form-approved-by-the-City Attorney.
- (3) Limitation of lot coverage.
- (4) ~~(3)~~ The clustering of structures; is-required.
- ~~(4)~~ The vegetative-cover-is-maintained-to-the-maximum-extent possible.

~~(5)---Watercourses-are-to-be  
retained-in-a-natural-state.~~

~~(6)---Surface-runoff-is-to-be-con-  
trolled-at-predevelopment  
levels.~~

~~(7)---Points-of-access-to-arterials  
are-to-be-minimized.~~

(5)(8) Ability of the City has the  
present ability to provide  
the necessary emergency  
services;

(6)(9)---A-minimum-level-of-aAggrega-  
tion of at least one acre of  
land; may-be-desirable-in  
order-to-minimize-adverse  
impacts.

~~(10)---There-will-be-public-review  
of-the-development-proposal.~~

While recognizing there are geologic, traffic, access aesthetic and other considerations related to potential slope development, opportunities should exist for solving these problems on an area-wide basis. The area-wide basis does offers a way to consider the Slope as a unit; to minimize development which could further aggravate problems; and to mitigate adverse impacts.

Constraints may be relaxed when opportunities for an area-wide solution on the Slope exist.

Consequently, Up to 7 dwelling units per acre may should be permitted on the Houghton Slope area if the following ~~conditions~~ standards are met. ~~subject-to-staff-review.~~ These standards are in addition to those described for potential density up to 5 dwelling units per acre:

Up to 7 dwelling units per acre should be permitted ~~or~~ as an area-wide solution, according to additional standards.

- (1) Major aAggregations of at least  
five acres of land, which  
extending from the toe of the  
Slope to the railroad  
right-of-way; and-not-less  
than-five-acres, are-required-to  
assist-in-formulating-a-Master  
Plan-for-the-area.--Possible-land

~~aggregation-and-more-detailed  
planning-could-be-for-the-slope  
areas-north-and-south-of-NE-52nd  
Street.~~

(2) Preparation of a Master Plan for  
the development of the entire  
area proposed for development.

~~(2)~~ (3) Preparation of aArea-wide  
geologic and soils analyses are  
~~required-in-order-to which~~  
determine the best locations  
for clustered development and  
ways to mitigate potential  
adverse impacts.

~~(3)~~ (4) Further traffic analysis is  
required, including ways to  
minimize access points,  
anticipated peak and daily  
traffic analysis generation and  
impacts on the existing  
adjacent arterial  
roadways; and in-addition,  
~~future-planning-as-to-the  
location-configuration-and  
capability-of-NE-52nd-Street  
and-other-rights-of-way-in-this  
slope-area-should-be-considered  
and-planned-prior-to-any  
development-at-this-higher  
density.~~

~~(4)~~ (5) Any-development-at-this-higher  
density-is-to-be-processed-as-a  
Development review through a  
planned unit developed or  
similar procedure.

(5) ~~Unique-isolated-parcels,  
extending-from-Lake-Washington  
Boulevard-or-Lakeview-Drive-to  
the-railroad-right-of-way, with  
access-other-than-the-Drive-or  
Boulevard-and-with-less-than  
the-minimum-acreage, may-be  
considered-for-a-variance-with  
respect-to-conditions-one  
through-three-listed-above.~~

Two structures which have been prominent in the history of Kirkland, the French House and Sutthoff House, are located along Lake Washington Boulevard near the southern end of the Houghton Slope. Although both structures have been moved from their original locations they are fine examples of early architecture and provide a tangible link with the past. Consequently, efforts should be made to preserve these houses in a manner consistent with their historic stature.

Efforts should be made to preserve the French and Sutthoff houses.

The area south of NE 59th Street between Lakeview Drive and Lake Washington Boulevard has been designated as suitable for medium density residential (10 to 14 dwelling units per acre) and small professional offices (see the Economic Activities section for the discussion of this designation). The standards listed for medium density developments north of NE 59th Street would apply in this area also.

Medium density residential uses are appropriate south of NE 59th Street between Lakeview Drive and Lake Washington Boulevard.



## ECONOMIC ACTIVITIES

Much of the northeast quadrant of the SR-520/Lake Washington Boulevard interchange has already been committed to certain economic activities including large office structures and a restaurant. Due to the availability of adequate public services, east access to major arterials and to the freeway, and the overall compatibility with adjacent land uses, the northeast quadrant of this interchange can be devoted to commercial activities. The most appropriate use of this land could include such activities as office structures, and some freeway oriented uses, such as motel facilities. Limited convenience commercial facilities may be included as part of the office structures or with freeway oriented uses, but not as a primary use. Retail commercial facilities beyond the scope of convenience facilities are not considered appropriate because these kinds of activities should be concentrated in existing major commercial centers (the Central Business District or Totem Lake Shopping Center) as well as neighborhood shopping centers. Commercial uses are to be ancillary to other uses at this location. All developments, especially along Lake Washington Boulevard, should include landscaping and other elements to enhance this interchange as an entry to the City. ~~Development potentials for the northwest quadrant are discussed in the Shoreline section and in the Shoreline Master Program.~~

Office development also should be allowed to extend northward onto the southern end of the Houghton Slope. Offices in this area would have the same locational advantages of the area immediately to the south. At the same time, with proper site planning and building design, offices would provide a desirable transition to the residential area to the north. In order to ensure suitable office development, the following standards should be met:

Offices and limited commercial activities are permitted in the northeast quadrant of the Lake Washington Boulevard/SR-520 interchange.

Offices should be allowed at the southern end of the Houghton Slope.

- (1) Compliance with the standards for residential development at a density of up to 7 dwelling units per acre elsewhere on the unstable Houghton Slope.
- (2) Compatibility of building scale and density with residential uses.
- (3) Use of natural features, such as ravines, watercourses or areas of significant natural vegetation to provide a separation from residential uses.
- (4) Use of wide vegetated setbacks adjacent to residential uses.
- (5) Vehicular access will not be placed across residentially zoned property.
- (6) Preclusion of any commercial uses other than offices.

The area bounded by Lakeview Drive, Lake Washington Boulevard and NE 59th Street contains a mix of uses and existing zoning classifications. Within the area now zoned for light industry, existing uses include a large vacant structure, a small clothing manufacturing plant and a craft center operating out of a single family home. The one story clothing manufacturing plant creates minimal visual impacts on the neighborhood and provides, informally, some parking to handle the overflow from Houghton Beach Park. South from the industrial area on lands zoned for neighborhood business and professional office/residential exists a mixture of land uses including single family, duplex, multi-family and office use.

In order to blend future activities with existing uses, medium density residential uses with small professional offices are most appropriate south of NE 59th Street. The character of this

Land uses south of NE 59th Street and between Lakeview Drive and Lake Washington Boulevard are discussed.

The area bounded by NE 59th Street, Lakeview Drive and Lake Washington Boulevard is suitable for medium

neighborhood has changed significantly since the days when the nearby waterfront included shipbuilding activities and oil storage facilities. Many activities permitted in light industrial areas are no longer compatible with the residential activities and the new Houghton Beach Park. The existing manufacturing plant could continue. The crafts center could continue for a specified period. Medium density residential uses, at a density of 10 to 14 dwelling units per acre and small professional offices, of one story in height, would be considered the base uses. (Standards for the medium density residential uses are described above in the Living Environment section for the residential area between Lake Washington Boulevard and Lakeview Drive north of NE 59th Street. These standards also apply to professional office development.) No convenience or retail commercial uses will be considered.

density residential  
uses and small  
professional offices.

For the block bounded by NE 58th Street, Lake Washington Boulevard, NE 59th Street and Lakeview Drive, changes in use, height and other limitations discussed above, may be considered under a Planned Unit Development application, provided that the historic structure be preserved at the southwest corner of Lakeview Drive and NE 59th Street. Development in this area would have to meet the following standards so as not to adversely impact the surrounding residential areas:

Certain flexibilities in the development of the block between Lake Washington Boulevard, Lakeview Drive, NE 58th and 59th Streets permitted if the historic structure is preserved.

- (1) The uses are reasonably compatible with the surrounding uses.
- (2) Access is to be primarily limited to Lake Washington Boulevard and NE 58th Street.
- (3) Parking is to be combined with adjacent uses to the greatest extent possible. Multi-use of parking facilities is to be encouraged. Parking lots are to be broken with landscaped areas and the existing trees are to remain to the greatest extent possible.

- (4) Development in this area is to be oriented toward Lake Washington Boulevard and away from the residential areas to the north and east. Landscaped buffers are required where non-residential development is adjacent to residential development.
- (5) If restaurants are considered, then they will be a "sit-down dining" type of facility. Take-out and fast food facilities will not be permitted. After any restaurant proposal is approved in this area, and prior to other restaurant proposals, the city will re-evaluate the impact of restaurants on the area in order to determine if additional facilities are compatible with the Park and will not significantly affect parking and traffic conditions.

A convenience commercial grocery store located on Lake Washington Boulevard and NE 64th Street serves a localized need by providing limited grocery service to the surrounding neighborhood. The use should be allowed to remain at this site but no further development of retail commercial facilities in this area should be permitted (see Economic Activities Policy 1). An additional vacant commercial activity and a small antique shop exists at the corner of NE 60th Street and Lake Washington Boulevard. Neighborhood convenience uses are not appropriate at this location due to parking problems. Commercial uses should be phased out, but the existing structure should remain.

Commercial activities along Lake Washington Boulevard to be limited.

## OPEN SPACE/PARKS

Between the railroad and Lake Washington Boulevard, the only existing park is the two acre Houghton City Park which includes the old City Hall and playfield. This facility is in a state of disrepair and is not utilized to any great extent. due to the infeasibility of rehabilitating the structure, the old City Hall should be razed. The entire parcel could then be developed as a neighborhood park. It should be noted that currently park needs for this area are being met by facilities at Lakeview Shool to the north and the waterfront parks to the west.

Open space/parks are to be maintained in the Lakeview area.

To meet the additional demands for parks resulting from population growth, a "fee in lieu" should be required for residential developments both single family and multi-family (see Open Space/Parks Policy 3.e.).

"Fee in lieu" required for residential development.

Also, the Houghton Slope should be maintained as an important visual open space in the community (see Open Space/Parks Policy 2). Any permitted development should maintain most of the existing vegetation not only to help stabilize the slop but for other utilitarian and amenity purposes.

Houghton Slope to be maintained as an important visual amenity.

One important open space of great community value is often overlooked. The street system provides Kirkland's neighborhoods with a number of excellent local and regional views. Such "view corridors" lie within the public domain and area valuable for the beauty, sense of orientation and identity they impart (see Community Goals and Policies Policy 2 and Open Space/Parks Policy 2). Such view corridors are to be identified, preserved and

Open space value of streets is to be recognized.

enhanced. One means to this end may be the undergrounding of utilities (see Public Services/Facilities: Quasi-Public Utilities Policy 2).

(leaving room for picture)

Pedestrian and bicycle pathways are also part of the park and open space system, in addition to providing a transportation function. Major pathways in the Lakeview area should be established according to the designations in Figure 20.

Major pedestrian and bicycle system discussed.

#### PUBLIC SERVICES/FACILITIES

In parts of the Lakeview area, water and sewer service is not adequate to support full development according to land use designations in Figure 17. Isolated problems may also arise with regard to storm drainage as natural areas become developed. Deficiencies in water, sewer or drainage facilities should not necessarily prohibit development in this area. However, prior to occupancy of the development, the water, sewer and drainage facilities should be extended and/or upgraded to meet the requirements of the designated land use for the area (see Public Services/Facilities: Water/Sewage Systems Policy 1). Furthermore, methods should be implemented to maintain surface runoff at predevelopment levels (see Public Services/Facilities: Drainage Policy 2).

Water, sewer and drainage facilities discussed. System deficiencies must be corrected or upgraded prior to occupancy of new development. Runoff is to be minimized.

The circulation patterns in the Lakeview Drive/Lake Washington Boulevard area are well established and permit large volumes of through traffic to flow north and south on both Lakeview Drive and Lake Washington Boulevard. (see Figure 21). -- East-west-through-access-up-the-slope-is-provided-only-by-NE-52nd Street. Future modifications to circulation-problems-in-this-area should-conform-to-the-following standards:

- (1) The-Lake-Washington-Boulevard/Lakeview-Drive-corridor-is-a-main north-south-through-traffic-route with-heavy-daily-loads.--Improvements-to-the-existing-Lakeview Drive-right-of-way-area-are-currently-under-study.--It-may-be both-possible-and-desirable-to divert-more-traffic-onto-Lakeview Drive.--Lakeview-Drive-should-be redesignated-as-a-secondary arterial.--The-terrain-along-Lakeview-Drive-is-such-that-vegetative-buffers-incorporated-into-the-right-of-way-may-effectively buffer-the-low-density-developments-east-of-the-street-from-higher-intensity-uses-to-the west.--Noise-impacts-and-hazards associated-with-vehicles-entering-and-leaving-the-traffic-flow-may increase.--Care-should-be-taken-during-the-improvement-of-this corridor-to-assess-the-impacts-on the-adjacent-residential-area-and minimize-those-negative-impacts where-possible.--A-reduced-traffic-load-on-the-Boulevard-would enhance-that-route-as-a-scenic shoreline-drive-as-well-as-reduce traffic-hazards-to-waterfront park-users, downtown-shoppers-and pedestrians.--To-accomplish-this, redesign-of-the-intersections-at both-ends-of-Lakeview-Drive-may be-necessary-to-encourage-through traffic-on-Lakeview-Drive. Impacts-on-the-State-Street neighborhood-to-the-north-should also-be-considered.--Improvements

Circulation patterns described and the following recommendations made.

- (1)--Greater-traffic volumes-are-to-be diverted-onto-an improved-Lakeview Drive.

~~to this right-of-way should include provisions for a permanent bicycle/pedestrian path separated from vehicular traffic.~~

- (2) ~~NE-52nd Street, a steep, narrow road climbing the Houghton Slope is classified as a collector arterial. Any attempts to reduce the slope on this road would require right-of-way expansion and a cutback configuration. Improvements to this route might lead to increased through traffic in the Central Houghton area and this should be avoided. However, safety improvements to the rail-road grade crossing should be investigated.~~

- (2) ~~Improvements to NE-52nd Street to be restricted.~~

Lake Washington Blvd. is designated as a major arterial and provides the major north-south route through Kirkland south of the Central Business District and west of I-405. The Boulevard also provides local access for a substantial number of residential developments and businesses. A significant proportion of existing traffic, however, is probably attracted to the Boulevard as much because of the scenic vistas of Lake Washington as because of convenience or necessity. The scenic qualities of the Boulevard also contribute to making it a major pedestrian and bicycle corridor, serving waterfront park users, joggers, strollers and downtown shoppers.

Lake Washington Blvd. provides a major through route and serves as a major pedestrian and bicycle corridor.

In the last several years, traffic on Lake Washington Boulevard has greatly increased, particularly during morning and evening commute periods. This has restricted local access to and from the Boulevard and has created noise, safety problems and conflicts for pedestrians, bicyclists and adjacent residents. Furthermore, these prob-

Traffic problems on Lake Washington Blvd. are described.



lanes, bicycle lanes, sidewalks and street trees. From its intersection with Lake Washington Blvd., Lakeview Drive provides the primary route to the Houghton business district and to State Street, which in turn provides access to the Central Business District.

East-west through access up the slope is provided only by NE 52nd Street. This street has been redeveloped in conjunction with adjacent development. NE 52nd Street is designated as a collector arterial and as such should continue to serve a limited function for through traffic.

Bicycle/pedestrian ways shown in Figure 20 for this area represent only the major routes and do not include sidewalks and other lesser elements of the path system. The spine of the path system is formed by a proposed path/trail within the railroad right-of-way that winds its way through town, on grade and near most major and many secondary activity centers.

Proposals have been made to develop and expand the existing interim METRO Park and Ride Lot as a permanent facility. This site will produce few interface problems because of the terrain and the adjacent office complex. Through traffic levels on 108th Avenue NE may increase and traffic congestion could be a problem on NE 38th Place and Northrup Way. The final site design for this facility should allow for improved access to and from NE 38th Place as well as signalization and left turn lanes to minimize congestion and facilitate turning movements near the facility. The large parking facility should include landscaping to break the paved areas and around the perimeter.

N.E. 52nd Street is described.

Major pedestrian/bicycle ways are identified.

The existing Park and Ride Lot is to be expanded into a permanent facility.

- (7) Installation of traffic signals at the intersection of Lake Washington Boulevard with Lakeview Drive and N.E. 38th Place.
- (8) Installation of on-street parking in areas of high parking demand, provided that traffic safety will not be impaired.

The means for implementing these improvements should be both on a comprehensive area-wide basis, and to the extent possible, on an incremental basis by encouraging or requiring them to be incorporated into private developments.

Implementation should be both area-wide and site specific.

Also important to the successful achievement of a greater amenity function for the Boulevard will be traffic improvements that are regional in scope. Accordingly, the City should support and encourage the following regional solutions:

Regional solutions should be sought.

- (1) Improvements to the ingress and egress to I-405 at N.E. 4th Street and N.E. 8th Street in Bellevue and N.E. 116th Street and N.E. 124th Street in Kirkland.
- (2) Improved access to I-405 from Juanita and north Kirkland by upgrading and widening N.E. 116th Street and N.E. 124th Street.
- (3) Alternatives to the single occupancy vehicle for commuting purposes, such as increased use of Metro Transit, Commuter Pool, High Occupancy Vehicles (HOV) and the investigation of future modes, such as light rail.
- (4) Improvements to the I-405/SR 520 interchange.

Lakeview Drive is designated as a secondary arterial. It has recently been redeveloped with two through

Lakeview Drive is described.

lems are compounded by traffic speeds generally in excess of the posted limit. Solutions to these problems should be sought which recognize that the Boulevard has a scenic, recreational and open space function which is as important as its function as a commute route. Although police enforcement of speed limits is necessary, the most effective solutions to these problems are primarily of a design and improvement nature. Improvements to the Boulevard should help accommodate its broader amenity function in such a manner that the safety of all the Boulevard's diverse users is enhanced, while significant amounts of through traffic are not diverted to other arterials. Accordingly, the following improvements would be desirable:

- (1) Completion of sidewalks along the entire length of both sides of Lake Washington Blvd.
- (2) Widening of sidewalks where sufficient right-of-way exists or by providing incentives for widening sidewalks onto private property at the time of development.
- (3) Installation of pedestrian crossings at intersections and adjacent to waterfront parks where safety considerations allow such installation.
- (4) Additional use of a center left turn lane at intersections or where on street parking is not needed.
- (5) Development of landscaped median islands to separate traffic and provide pedestrian safety where center left turn lanes or on-street parking are not needed.
- (6) Continuation and widening of bicycle lanes.

should allow for improved access to and from NE 38th Place as well as signalization and left turn lanes to minimize congestion and facilitate turning movements near the facility. The large parking facility should include landscaping to break the paved areas and around the perimeter.

In order to contribute to a more amenable and safe living environment as well as to enhance views and a sense of community identity, the undergrounding of utilities is to be actively encouraged (see Public Services/Facilities: Quasi-Public Utilities Policy 2, Community Goals and Policies Policy 2 and Open Space/Parks Policy 2).

Undergrounding of utilities is to be actively encouraged.

6027A/6025A (Dual Column)

LIVING ENVIRONMENT  
PLANNED AREAS

Within ~~the Yarrow Slough of~~ the Shoreline area, ~~two~~ three tracts of land have been designated as "planned areas". ~~This~~ These designations are ~~is~~ based on unique conditions including interface conflicts, large parcel ownerships, traffic patterns, topographic conditions and other factors which may influence future development of the land. The complex problems unique to these Planned Areas can be overcome best through coordinated development of each area as a total unit. The ~~definition~~ location of each Planned Area is shown in Figure 17.

Planned Areas 2 and 3 are located in the Yarrow Slough area. Any development in this entire area should maintain the functional integrity of the Slough as a wetland and maintain the biologic functions of storage and cleansing of runoff waters (see Shoreline Master Program Conservancy Environment).

Policy direction for the Yarrow Slough area.

PLANNED AREA 2: YARROW SLOUGH

Planned Area 2 contains the bulk of the Slough area identified as a Conservancy Environment in the Shoreline Master Program. Under the umbrella of these shoreline policies, the preferred use of this land would be as open space or a passive park area. Additional policies indicate that the Slough, as an area of aesthetic, biological, educational and anthropological value, should be preserved as such (see Natural Elements Policy 2). The Slough has also been identified as an area subject to uneven settlement problems. If development does occur in the Slough, densities should be extremely limited (1 to 3 dwelling units per acre). Any development

Justification of uses in Planned Area 2. Yarrow Slough to be reserved for open space or park use or severely limited development.

should undertake methods to prevent methane entrapment and settling of both structure and utilities systems.

**PLANNED AREA 3: SR-520/LAKE WASHINGTON BOULEVARD**

The southeast portion of the Yarrow Slough in the northwest quadrant of the SR-520/Lake Washington Boulevard interchange is defined as Planned Area 3. There are many planning constraints on development in this area. This area is the entrance to the City and hence the character of development is important. The stream requires protection as well as concern for the relationship of development to the adjacent wetlands. Ingress and egress on to Lake Washington Boulevard and Points Drive will need to be carefully controlled in order not to negatively impact the traffic on the Boulevard and approach to SR-520. It is, therefore, considered appropriate that any development will need to plan for the entire landholding and how it relates to surrounding parcels.

Constraints on development in Planned Area 3.

Development in this area (previously filled) may be permitted for medium residential density at 10 to 14 dwelling units per acre or for small professional offices, taking full precautions as recommended by the required soils and geologic investigation (see Natural Elements Policy l.a., Policy 2 and 3). The clustering of development is encouraged in Planned Area 3. Under Planned Unit Development procedures, certain increases in the height of structures may be considered as long as views are not significantly obstructed.

The northwest quadrant of the SR-520/Lake Washington Boulevard interchange may be suitable for medium density residential uses or small professional offices.

**PLANNED AREA 15: OLD SHIPYARDS**

Planned Area 15 comprises approximately 31 acres lying on both sides of Lake Washington Blvd. Most of the Planned Area is under common

Sub-Area (A) is described.

upon review of a DNS (197-11-340) may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." This notice shall be substantially similar to the form in 197-11-985. Assumption of lead agency status shall occur only within fifteen days of issuance of a DNS.

(2) The DS by the new lead agency shall be based only upon information contained in the environmental checklist attached to the DNS transmitted by the first lead agency and any other information the new lead agency has on the matters contained in the environmental checklist.

(3) Upon transmitting the DS and notice of assumption of lead agency status, the consulted agency with jurisdiction shall become the "new" lead agency and shall expeditiously prepare an EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

**WAC 197-11-950 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

**WAC 197-11-955 Effective date.** (1) These rules shall become effective April 4, 1984.

(2) These rules shall apply to agency decisionmaking under SEPA when one of the following occurs:

(a) An agency adopts policies, procedures, and practices for this chapter (197-11-902 and 197-11-904); or

(b) One hundred eighty days has elapsed from the effective date of these rules.

(3) The relationship of the effective date to ongoing actions is in 197-11-916 and 197-11-917.

(4) Nothing in these rules shall delay agency compliance with any requirement in chapter 43.21C RCW, as amended, such as RCW 43.21C.031 and 43.21C.075 (as noted in 197-11-916(3)).

**PART ELEVEN — FORMS****RCW 197-11-960 Environmental checklist.****ENVIRONMENTAL CHECKLIST***Purpose of Checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for Applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

**A. BACKGROUND**

1. Name of proposed project, if applicable:
2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.



8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_.

b. What is the steepest slope on the site (approximate percent slope)?

TO BE COMPLETED BY APPLICANT

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

EVALUATION FOR  
AGENCY USE ONLY

## TO BE COMPLETED BY APPLICANT

## 3. Water

## a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

## b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: .....
- mammals: deer, bear, elk, beaver, other: .....
- fish: bass, salmon, trout, herring, shellfish, other: .....

b. List any threatened or endangered species known to be on or near the site.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any:

**6. Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

**7. Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

TO BE COMPLETED BY APPLICANT

3) Proposed measures to reduce or control noise impacts, if any:

**8. Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY**9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

**11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.

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EVALUATION FOR  
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c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**13. Historic and Cultural Preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

**14. Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.



TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

g. Proposed measures to reduce or control transportation impacts, if any:

**15. Public Services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

**16. Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....

Date Submitted: .....

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

RCW 197-11-960 Adoption notice.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box)  DNS  EIS  other \_\_\_\_\_

Description of current proposal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proponent \_\_\_\_\_

Location of current proposal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Title of document being adopted \_\_\_\_\_

Agency that prepared document being adopted \_\_\_\_\_

Date adopted document was prepared \_\_\_\_\_

Description of document (or portion) being adopted \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the document being adopted has been challenged (197-11-630), please describe:  
\_\_\_\_\_  
\_\_\_\_\_

The document is available to be read at (place/time) \_\_\_\_\_  
\_\_\_\_\_

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.

Name of agency adopting document \_\_\_\_\_

Contact person, if other than responsible official \_\_\_\_\_ Phone \_\_\_\_\_

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

RCW 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal \_\_\_\_\_

\_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal, including street address, if any \_\_\_\_\_

\_\_\_\_\_

Lead agency \_\_\_\_\_

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by \_\_\_\_\_.

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

(OPTIONAL)

- You may appeal this determination to (name) \_\_\_\_\_  
at (location) \_\_\_\_\_  
no later than (date) \_\_\_\_\_  
by (method) \_\_\_\_\_

You should be prepared to make specific factual objections.  
Contact \_\_\_\_\_ to read or ask about the procedures  
for SEPA appeals.

- There is no agency appeal.

RCW 197-11-980 Determination of significance and scoping notice (DS).

DETERMINATION OF SIGNIFICANCE AND REQUEST FOR COMMENTS ON SCOPE OF EIS

Description of proposal \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal \_\_\_\_\_  
\_\_\_\_\_

Lead agency \_\_\_\_\_

*EIS Required.* The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

The lead agency has identified the following areas for discussion in the EIS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Scoping.* Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. The method and deadline for giving us your comments is:

\_\_\_\_\_  
\_\_\_\_\_

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

(OPTIONAL)

- You may appeal this determination of significance
  - to (name) \_\_\_\_\_
  - at (location) \_\_\_\_\_
  - no later than (date) \_\_\_\_\_
  - by (method) \_\_\_\_\_

You should be prepared to make specific factual objections.  
Contact \_\_\_\_\_ to read or ask about the procedures for SEPA appeals.

- There is no agency appeal.

RCW 197-11-985 Notice of assumption of lead agency status.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of proposal \_\_\_\_\_

\_\_\_\_\_

Proponent \_\_\_\_\_

Location of proposal \_\_\_\_\_

\_\_\_\_\_

Initial lead agency \_\_\_\_\_

New lead agency \_\_\_\_\_

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated \_\_\_\_\_.

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal, because of the following impacts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

RCW 197-11-990 Notice of action.

NOTICE OF ACTION

NOTICE IS GIVEN UNDER SEPA, RCW 43.21C.080, THAT (NAME OF AGENCY OR ENTITY) \_\_\_\_\_ TOOK THE ACTION DESCRIBED IN (2) BELOW ON (DATE) \_\_\_\_\_.

1. ANY ACTION TO SET ASIDE, ENJOIN, REVIEW, OR OTHERWISE CHALLENGE SUCH ACTION ON THE GROUNDS OF NON-COMPLIANCE WITH THE PROVISIONS OF CHAPTER 43.21C RCW (STATE ENVIRONMENTAL POLICY ACT) SHALL BE COMMENCED ON OR BEFORE (DATE) \_\_\_\_\_.

2. DESCRIPTION OF AGENCY ACTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. DESCRIPTION OF PROPOSAL (IF NOT COVERED BY (2)):  
\_\_\_\_\_  
\_\_\_\_\_

4. LOCATION OF PROPOSAL (A SUFFICIENT DESCRIPTION SHOULD BE GIVEN TO LOCATE THE SITE, IF ANY, BUT A COMPLETE LEGAL DESCRIPTION IS NOT REQUIRED):  
\_\_\_\_\_  
\_\_\_\_\_

5. TYPE OF ENVIRONMENTAL REVIEW UNDER SEPA (INCLUDE NAME AND DATE OF ANY ENVIRONMENTAL DOCUMENTS):  
\_\_\_\_\_

6. DOCUMENTS MAY BE EXAMINED DURING REGULAR BUSINESS HOURS AT (LOCATION, INCLUDING ROOM NUMBER, IF ANY):  
\_\_\_\_\_

7. NAME OF AGENCY, PROPONENT, OR APPLICANT GIVING NOTICE:  
\_\_\_\_\_

8. THIS NOTICE IS FILED BY (SIGNATURE OF INDIVIDUAL AND CAPACITY IN WHICH THE PERSON IS SIGNING):  
\_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_



# Chapter 43.21C RCW

## STATE ENVIRONMENTAL POLICY

**Sections**

- 43.21C.010 Purposes.
- 43.21C.020 Legislative recognitions—Declaration—Responsibility.
- 43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information.
- 43.21C.031 Significant impacts.
- 43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c).
- 43.21C.037 Application of RCW 43.21C.030(2)(c) to forest practices.
- 43.21C.038 Application of RCW 43.21C.030(2)(c) to school closures.
- 43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures.
- 43.21C.050 Specific statutory obligations not affected.
- 43.21C.060 Chapter supplementary—Conditioning or denial of governmental action.
- 43.21C.075 Appeals.
- 43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action.
- 43.21C.087 List of filings required by RCW 43.21C.080.
- 43.21C.090 Decision of governmental agency to be accorded substantial weight.
- 43.21C.095 State environmental policy act rules to be accorded substantial deference.
- 43.21C.110 Content of state environmental policy act rules.
- 43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates.
- 43.21C.130 Model ordinances.
- 43.21C.135 Authority of local governmental units to adopt rules, guidelines and model ordinances by reference.
- 43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement previously prepared pursuant to national environmental policy act.
- 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).
- 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.
- 43.21C.170 Council on environmental policy.
- 43.21C.175 Council on environmental policy—Personnel.
- 43.21C.210 Certain actions during state of emergency exempt from chapter.
- 43.21C.220 Incorporation of city or town exempt from chapter.
- 43.21C.230 Development and adoption of plan under chapter 43.180 RCW exempt from chapter.
- 43.21C.300 Workshops—Handbook.
- 43.21C.500 Exemption from this chapter of emergency recovery operations from Mt. St. Helens eruption authorized—Expiration of section.
- 43.21C.900 Short title.
- 43.21C.910 Severability—1974 ex.s. c 179.
- 43.21C.911 Section headings not part of law—1983 c 117.
- 43.21C.912 Applicability—1983 c 117.
- 43.21C.913 Severability—1983 c 117.
- 43.21C.914 Effective dates—1983 c 117.

**RCW 43.21C.010 Purposes.** The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will

prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation. [1971 ex.s. c 109 § 1.]

**RCW 43.21C.020 Legislative recognitions—Declaration—Responsibility.** (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [1971 ex.s. c 109 § 2.]

**RCW 43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information.** The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;

(c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the world-wide and long-range character of environmental problems and, where consistent

with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects. [1971 ex.s. c 109 § 3.]

**RCW 43.21C.031 Significant impacts.** An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong. [1983 c 117 § 1.]

**RCW 43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c).** Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030(2)(c), as now or hereafter amended. [1974 ex.s. c 150 § 1.]

**RCW 43.21C.037 Application of RCW 43.21C.030(2)(c) to forest practices.** (1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices (a) on lands platted after January 1, 1960, (b) on lands being converted to another use, or (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. [1983 c 117 § 2; 1981 c 290 § 1.]

**RCW 43.21C.038 Application of RCW 43.21C.030(2)(c) to school closures.** Nothing in RCW 43.21C.030(2)(c) shall be construed to require the preparation of an environmental impact statement or the making of a threshold determination for any decision or any action commenced subsequent to September 1, 1982, pertaining to a plan, program, or decision for the closure of a school or schools or for the school closure portion of any broader policy, plan or program by a school district board of directors. [1983 c 109 § 1.]

**RCW 43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures.** All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this chapter. [1971 ex.s. c 109 § 4.]

**RCW 43.21C.050 Specific statutory obligations not affected.** Nothing in RCW 43.21C.030 or 43.21C.040 shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency. [1971 ex.s. c 109 § 5.]

**RCW 43.21C.060 Chapter supplementary—Conditioning or denial of governmental action.** The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties. Any governmental action may be conditioned or denied pursuant to this chapter: *Provided*, That such conditions or denials shall be based upon policies identified by the appropriate governmental authority and incorporated into regulations, plans, or codes which are formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of authority pursuant to this chapter. Such designation shall occur at the time specified by RCW 43.21C.120. Such action may be conditioned only to mitigate specific adverse environmental impacts which are identified in the environmental documents prepared under this chapter. These conditions shall be stated in writing by the decisionmaker. Mitigation measures shall be reasonable and capable of being accomplished. In order to deny a proposal under this chapter, an agency must find that: (1) The proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and (2) reasonable mitigation measures are insufficient to mitigate the identified impact. Except for permits and variances issued pursuant to chapter 90.58 RCW, when such a governmental action, not requiring a legislative decision, is conditioned or denied by a non-elected official of a local governmental agency, the decision shall be appealable to the legislative authority of the acting local governmental agency unless that legislative authority formally eliminates such appeals. Such appeals shall be in accordance with procedures established for such appeals by the legislative authority of the acting local governmental agency. [1983 c 117 § 3; 1977 ex.s. c 278 § 2; 1971 ex.s. c 109 § 6.]

**RCW 43.21C.075 Appeals.** (1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement), consistent with any state statutory requirements for appeals to local legislative bodies. The appeal proceeding on a determination of significance/nonsignificance may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) by providing for simultaneous appeal of an agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the threshold determination appeal as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this paragraph; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). This section does not modify any such time periods. This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used,

and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within thirty days. The agency shall give official notice stating the date and place for commencing an appeal. If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.

(b) A notice of action under RCW 43.21C.080 may be used. If a notice of action is used, judicial appeals shall be commenced within the time period specified by RCW 43.21C.080, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period.

(6)(a) Judicial review of an appeal decision made by an agency under RCW 43.21C.075(5) shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this

chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. The word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis. [1983 c 117 § 4.]

**RCW 43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action.** (1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of last newspaper publication:

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2) (a) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred: *Provided, however,* That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: *Provided further,* That any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW

43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation. (b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

**NOTICE OF ACTION BY**

-----  
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ----- (Government agency or entity) did on ----- (date), take the action described below.

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ----- days or be barred.

The action taken by ----- (Government agency or entity), notice of which is hereby given, was as follows:

(1) ----- (Here insert description of action taken such as: Adoption Ordinance No. -----; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ----- (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

-----  
-----  
-----  
-----  
(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ----- located at:

-----  
(Location, including room number)  
-----

(Name of government agency, proponent, or applicant giving notice)

Filed by .....

(Signature of individual and capacity in which such individual is signing)

[1977 ex.s. c 278 § 1; 1974 ex.s. c 179 § 2; 1973 1st ex.s. c 179 § 2.]

**Purpose**—1974 ex.s. c 179: "The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act." [1974 ex.s. c 179 § 1.]

**Effective date**—1973 1st ex.s. c 179: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1973: *Provided, however,* That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.]

**RCW 43.21C.087 List of filings required by RCW 43.21C.080.** The department of ecology shall prepare a list of all filings required by RCW 43.21C.080 each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in RCW 43.21C.080. [1974 ex.s. c 179 § 14.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.090 Decision of governmental agency to be accorded substantial weight.** In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight. [1973 1st ex.s. c 179 § 3.]

**Effective date**—1973 1st ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.095 State environmental policy act rules to be accorded substantial deference.** The rules promulgated under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter. [1983 c 117 § 5.]

**RCW 43.21C.110 Content of state environmental policy act rules.** It shall be the duty and function of the department of ecology, which may utilize proposed rules developed by the environmental policy commission:

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties.

The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decisionmaking and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080. [1983 c 117 § 7; 1974 ex.s. c 179 § 6.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates.** (1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of policies under RCW 43.21C.060 and adoption of rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110, or after the establishment of an agency, whichever shall occur later.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of policies under RCW 43.21C.060 and adoption of the rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110, or after the establishment of the governmental entity, whichever shall occur later.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new or revised ordinances or regulations which may be required: *Provided*, That revisions required by this section as a result of rule changes under RCW 43.21C.110 are made within the time limits specified by this section. [1983 c 117 § 8; 1974 ex.s. c 179 § 8.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.130 Model ordinances.** The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter. [1974 ex.s. c 179 § 10.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.135 Authority of local governmental units to adopt rules, guidelines and model ordinances by reference.** (1) All public and municipal corporations, political subdivisions, and counties of the state are authorized to adopt rules, ordinances, and resolutions which incorporate any of the following by reference to the appropriate sections of the Washington Administrative Code:

(a) Rules and guidelines adopted under RCW 43.21C.110(1) in accordance with the administrative procedure act, chapter 34.04 RCW;

(b) Model ordinances adopted by the department of ecology under RCW 43.21C.130 in accordance with the administrative procedure act, chapter 34.04 RCW.

(2) If any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, any publication of such rule, ordinance, or resolution shall be accompanied by a summary of the contents of the sections of the Washington Administrative Code referred to. Such summaries shall be provided to the adopting units of local government by the department of ecology: *Provided*, That any proposal for a rule, ordinance or resolution which would adopt by reference rules and guidelines or model ordinances pursuant to this section

shall be accompanied by the full text of the material to be adopted which need not be published but shall be maintained on file for public use and examination.

(3) Whenever any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, the corporation, political subdivision, or county of the state adopting the rule, ordinance, or resolution shall maintain on file for public use and examination not less than three copies of the sections of the Washington Administrative Code referred to. [1975-'76 2nd ex.s. c 99 § 1.]

**RCW 43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement previously prepared pursuant to national environmental policy act.** The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement has been previously prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c). [1975 1st ex.s. c 206 § 1; 1974 ex.s. c 179 § 12.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).** In the implementation of chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2)(c). The time limits for challenges provided for in RCW 43.21C.080(2) shall be applicable when such procedures are so utilized. [1974 ex.s. c 179 § 13.]

**Purpose**—1974 ex.s. c 179: See note following RCW 43.21C.080.

**RCW 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.** See RCW 43.21B.250.

**RCW 43.21C.170 Council on environmental policy.** The legislature may establish a council on environmental policy to review and assist in the implementation of this chapter. [1983 c 117 § 6; 1974 ex.s. c 179 § 4. Formerly RCW 43.21C.100.]

**RCW 43.21C.175 Council on environmental policy—Personnel.** The council may employ such personnel as are necessary for the performances of its duties. [1974 ex.s. c 179 § 5. Formerly RCW 43.21C.105.]

**RCW 43.21C.210 Certain actions during state of emergency exempt from chapter.** This chapter does not

apply to actions authorized by RCW 43.37.215 and 43.37.220 which are undertaken during a state of emergency declared by the governor under RCW 43.06.210. [1981 c 278 § 4.]

**RCW 43.21C.220 Incorporation of city or town exempt from chapter.** The incorporation of a city or town is exempted from compliance with this chapter. [1982 c 220 § 6.]

**Severability**—1982 c 220: See note following RCW 36.93.100.  
Incorporation proceedings exempt from chapter: RCW 36.93.170.

**RCW 43.21C.230 Development and adoption of plan under chapter 43.180 RCW exempt from chapter.** This chapter does not apply to the development or adoption of the plan required to be developed and adopted under chapter 43.180 RCW. [1983 c 161 § 29.]

**Severability—Effective dates**—1983 c 161: See RCW 43.180.903 and 43.180.904.

**RCW 43.21C.300 Workshops—Handbook.** The department of ecology shall conduct annual state-wide workshops and publish an annual state environmental policy act handbook or supplement to assist persons in complying with the provisions of this chapter and the implementing rules. The workshops and handbook shall include, but not be limited to, measures to assist in preparation, processing, and review of environmental documents, relevant court decisions affecting this chapter or rules adopted under this chapter, legislative changes to this chapter, administrative changes to the rules, and any other information which will assist in orderly implementation of this chapter and rules.

The department shall develop the handbook and conduct the workshops in cooperation with, but not limited to, state agencies, the association of Washington cities, the Washington association of counties, educational institutions, and other groups or associations interested in the state environmental policy act. [1983 c 117 § 9.]

**RCW 43.21C.500 Exemption from this chapter of emergency recovery operations from Mt. St. Helens eruption authorized—Expiration of section.** Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements of the State Environmental Policy Act of 1971, chapter 43.21C RCW, for operations within such county: *Provided*, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources regional supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, 1988. [1983 1st ex.s. c 1 § 4; 1982 c 7 § 5.]

**Severability**—1983 1st ex.s. c 1: See note following RCW 43.01.200.

**Severability**—1982 c 7: See note following RCW 36.01.150.



**RCW 43.21C.900 Short title.** This chapter shall be known and may be cited as the "State Environmental Policy Act of 1971". [1971 ex.s. c 109 § 7.]

**RCW 43.21C.910 Severability—1974 ex.s. c 179.** If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1974 ex.s. c 179 § 16.]

**RCW 43.21C.911 Section headings not part of law—1983 c 117.** Section headings as used in this act do not constitute any part of the law. [1983 c 117 § 14.]

**RCW 43.21C.912 Applicability—1983 c 117.** \*Sections 3 and 4 of this act apply to agency decisions and to appeal proceedings prospectively only and not retrospectively. \*\*Sections 1, 5, 6, 7, and 8 of this act may be applied by agencies retrospectively. [1983 c 117 § 15.]

**Reviser's note:** \*(1) "Sections 3 and 4 of this act" consist of the 1983 c 117 amendment to RCW 43.21C.060 and the enactment of RCW 43.21C.075, respectively.

\*\* (2) "Sections 1, 5, 6, 7, and 8 of this act" consist of the enactment of RCW 43.21C.031 and 43.21C.095 and the 1983 c 117 amendments to RCW 43.21C.100, 43.21C.110, and 43.21C.120, respectively.

**RCW 43.21C.913 Severability—1983 c 117.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1983 c 117 § 16.]

**RCW 43.21C.914 Effective dates—1983 c 117.** \*(1) Sections 1, 2, and 4 through 16 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

\*\* (2) Section 3 of this act shall take effect one hundred eighty days after the remainder of this act goes into effect under subsection (1) of this section. [1983 c 117 § 17.]

**Reviser's note:** \*(1) "Sections 1, 2, and 4 through 16 of this act" consist of the enactment of RCW 43.21C.031, 43.21C.075, 43.21C.095, 43.21C.300, 43.21C.911, 43.21C.912, and 43.21C.913; the 1983 c 117 amendments to RCW 43.21C.037, 43.21C.100, 43.21C.110, and 43.21C.120; the repeal of RCW 43.21C.032, 43.21C.085, and 43.21C.140; the decodification of RCW 43.21C.070, 43.21C.200, 43.21C.202, and 43.21C.204; and the recodification of RCW 43.21C.100 and 43.21C.105 as RCW 43.21C.170 and 43.21C.175, respectively. The effective date of these sections is April 23, 1983.

\*\* (2) "Section 3 of this act" consists of the 1983 c 117 amendment to RCW 43.21C.060. The effective date of this section is October 20, 1983.

ownership. The area west of the Blvd. has been designated as Sub-Area (A). This area is located adjacent to Lake Washington and is within the boundaries of the Shoreline Area (see Figure 17, page 173). The topography of Sub-Area (A) is unique to the shoreline. The depth of the area between Lake Washington Boulevard and the lake is substantially greater than the areas to the north and south. Much of Sub-Area (A) is more than 200 feet from the high waterline and, therefore, is not subject to the Shoreline Master Program. In addition, Lake Washington Boulevard rises to its highest elevation above the lake adjacent to the southern portion of Sub-Area (A).

For many years, Sub-Area (A) was the site of the Lake Washington Shipyards, which ceased production in the late 1940s. Today, the primary use is as a training facility for the Seattle Seahawks professional football team; the majority of the area, however, is now vacant.

The area east of Lake Washington Blvd. and Lakeview Drive is within the boundaries of the Lakeview Area (see Figure 17, page 173) and has been designated as Sub-Area (B). Slopes in this area have been classified as unstable. Although most of Sub Area (B) is undeveloped, there are three single-family homes and a large apartment complex which terraces up the slope and bisects the area.

The primary objectives for development in Planned Area 15 are to maximize public access to and use of the waterfront, to maximize visual access to the lake for the public from Lake Washington Blvd. and to minimize encroachment of development on the natural characteristics and amenities of the Houghton Slope. In addition, development should occur in such a manner that impacts to existing development in the vicinity are minimized. Impacts of particular concern include view obstruction, traffic volume and

Sub-Area(B) is described.

The primary objectives 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.

movement, noise and glare from uses of higher intensity, and compatibility of building scale. While the potential public benefits from development in Planned Area 15 are considerable and should not be diminished in importance, these benefits should be achieved in a manner that offers property owners in Planned Area 15 reasonable development opportunities and effective incentives to provide the desired public benefits. Policies to achieve these objectives are described below.

Sub-Area (A), west of Lake Washington Blvd., should be developed with a mixture of uses. Like the shoreline areas lying immediately to the north and south, the predominant use in Sub-Area (A) should be residential at a density of 10-14 dwelling units per acre. As a means of minimizing waterfront development and providing greater public use and visual access opportunities, some of the permitted unit count should be encouraged to be transferred to Sub-Area (B) lying east of Lake Washington Blvd.

In addition to residential uses, Sub-Area (A) also should include non-residential uses which provide opportunities for greater public use and enjoyment of the waterfront. Highest priority should be given to uses such as marinas which are "water dependent". These uses should be encouraged to incorporate public use amenities such as short-term moorage, access to piers for fishing, strolling or other activities and boat launching facilities.

Also desirable in Sub-Area (A) are commercial uses which enhance the public orientation of the waterfront. Restaurants, small retail shops, museums, theaters and other similar uses should be permitted if they are oriented to and integrated with water dependent uses and waterfront public use areas. Offices also should be permitted if they do not detract from the public orientation of the waterfront.

Sub-Area (A) should be developed with a mixture of uses. The predominant use should be residential at 10-14 dwellings per acre. Unit count may be transferred to SubArea B.

"Water dependent" and "water oriented" commercial uses should be included. Maintenance of the Seahawk training facility is desirable.

Maintenance or relocation of the Seahawks training facility in Sub-Area (A) should be encouraged. This use provides substantial open space and views of Lake Washington and creates a unique community identity.

Maintenance or relocation of the Seahawks is desirable.

All development in Sub-Area (A) should include areas which are open for public use. A public trail should be required along the entire length of the waterfront with connections to Lake Washington Blvd. at or near each end. Areas which are available for other public waterfront activities also should be strongly encouraged.

Public access to and along the water's edge and waterfront public use areas should be developed.

Public use areas also should be encouraged adjacent to the westerly margin of Lake Washington Blvd. The Boulevard is now a popular path for pedestrians, joggers, and bicyclists. Expansion of the area now available for or associated with these activities would be a significant public asset.

Public improvements adjacent to Lake Washington Blvd. are also desirable.

Visual access to Lake Washington from Lake Washington Blvd. should be an integral element in the design of development in Sub-Area (A). Building height, setback and view corridor requirements should be allowed to be varied from elsewhere along the waterfront if it is demonstrated that greater visual access to Lake Washington is achieved and that views from existing development in and adjacent to Planned Area 15 are not significantly impaired. In accordance with the Shoreline Master Program, buildings within 200 feet of the lake may not exceed a height of 35-41 feet.

Visual access to Lake Washington from Lake Washington Blvd. 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.

Sub-Area (B), east of Lake Washington Blvd., should be developed exclusively with residential uses at a base density of 3-7 dwelling units per acre. This density is consistent with the remainder of the unstable portion of the Houghton Slope as discussed on pages 211-214. Within this specified density range, actual permitted density should be determined by the degree of compliance with the policies for development on the slope. Unit count which is proposed to be transferred from Sub-Area (A) may be permitted over and above 7 dwelling units per acre if it is demonstrated that the resulting increased unit count will maintain compliance with these policies. However, in no case should dwelling units be developed within the steep ravine located near the middle of Sub-Area (B).

In order to minimize the developed area on the slope, increased building height in Sub-Area (B) should be considered. Where increased building height is proposed, it should be demonstrated that taller buildings will not significantly impair views from existing development to the east of Planned Area 15.

A major consideration in the design of Planned Area 15 should be the impact of traffic on Lake Washington Blvd. On or off site improvements, including signalization, channelization, and lane reconfiguration, should be required as necessary to mitigate identified traffic impacts. In order to minimize disruption of traffic flow, the number of access points to Planned Area 15 should be strictly limited and controlled. West of the Blvd., the primary point of access

Sub-Area (B) should be developed with residential uses at a density of 3-7 dwellings per acre. Dwelling units may be transferred from Sub-Area (A) subject to conditions.

In order to minimize the developed area on the slope, increased building height should be considered.

Traffic impacts to Lake Washington Blvd. should be considered. Access points should be limited.

should be located at the intersection of Lake Washington Boulevard and Lakeview Drive. East of the Blvd., more than one primary point of access may be necessary due to the divided ownership pattern. Nevertheless, the number of access points should be kept to the smallest possible number.

Public and private development opportunities in Planned Area 15 can best be achieved with a coordinated and planned approach to development. To this end, a Master Development Plan should be submitted for public review and City approval as a prerequisite to any development. The Master Plan should encompass all properties under common ownership within and adjacent to Planned Area 15, setting forth the major features of all future development. Subsequent to Master Plan adoption, development may be proposed and approved by the City as a single unit or in phases, provided that each phase is reviewed to ensure Master Plan compliance.

Planned Area 15 should be developed as a single unit. Development should be subject to approval of a Master Plan.

~~Residential-uses-are-permitted-in-the Shoreline-area.~~ Existing development elsewhere in the Shoreline Area is primarily residential. As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline. ~~Except-for-residential-uses-described in Outside of Planned Areas 2, and 3 and 15 and the Yarrow Slough Slope,~~ which are discussed above, multi-family uses ~~would~~ should be permitted ~~along-the-shoreline~~ at medium densities (10 to 14 dwelling units per acre). This is a lowering of densities at which multi-family developments have taken place in the past. This new density is consistent with the density of apartment development on the east side of Lake Washington Boulevard, west of Lakeview Drive. Past densities have created severe ingress and egress problems on to Lake Washington Boulevard.

As specified in the Shoreline Master Program, nNew residential structures constructed waterward of the high water line will are not be permitted. Additional Standards governing new multi-family development can be found in the Shoreline Master Program.

The area south of SR-520, within the City limits, has physical orientation to the Clyde Hill area. Access to this location is very difficult and constrained through the single family residential area of Clyde Hill. Hence, the properties in that location will be strongly affected by the eventual development of the area. Public servicing to the area south of the freeway will also be difficult. there has been identified a potentially unstable slope in that location, although the slope has been modified by the construction of SR-520. For these reasons, and to provide compatibility with the nature of development in Clyde Hill, a density of up to 3 dwelling units per acre is appropriate. Clustered or attached dwelling units are encouraged in order to assist mitigating potential development problems.

#### ECONOMIC ACTIVITIES

~~Redevelopment-of-the-Skinner-Shipyard as-a-combined-multi-family/water dependent-commercial-complex-with public-access-to-the-water-may-be-a desirable-use.--Development-of-this property-or-any-lakefront-properties for-economic-activities-will-be-subject-to-the-requirements-in-the-Shoreline-Master-Program.~~

Constraints in the area south of SR-520 limit developmnt densities up to 3 dwelling units per acre.

~~Redevelopment-of-the shipyards-as-mixed multi-family,water-front-commercial-with public-access-to-be permitted.~~

~~Existing-commercial-activities-in-the  
Shoreline-area-will-be-allowed-to  
remain.~~

Commercial uses should not be permitted 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. Other standards for shore-line economic activities are specified in the Shoreline Master Program.

Commercial uses are discussed.

#### OPEN SPACE/PARKS

The shoreline represents a unique feature of the natural environment. It provides areas for active and passive recreation as well as being a significant visual open space. Existing waterfront park facilities include two waterfront parks Houghton Beach Park and Marsh Park (see Figure 20). In addition, Morningside Park in the town of Yarrow Point, is located west of Yarrow Slough.

Open space and recreation facilities and opportunities are identified.

The City should continue to pursue the policy of acquiring waterfront property for recreation purposes wherever possible. The possible expansion of Marsh Park to the north is of special concern. In particular, Yarrow Slough has also been identified as a potential passive recreation/ nature trail park. Intergovernmental funding for the purchase of this regional facility should be sought (see Open Space/Parks Policies 3.c. and 4).



One important open space of great community value is often overlooked. The street system provides Kirkland's neighborhoods with a number of excellent local and regional views. Such "view corridors" lie within the public domain and are valuable for the beauty, sense of orientation and identity they impart (see Community Goals and Policies Policy 2 and Open Space/ Parks Policy 2). Such view corridors are to be identified, preserved, and enhanced. One means to this end may be the undergrounding of utilities (see Public Services/Facilities: Quasi-Public Utilities Policy 2).

#### PUBLIC SERVICES/FACILITIES

The shoreline area is provided access from Lake Washington Boulevard which is designated as a major arterial and provides the major north-south route through Kirkland south of the Central Business District and west of I-405. The Boulevard also provides local access for a substantial number of residential developments and businesses. A significant portion of existing traffic, however, is probably attracted to the Boulevard as much because of the scenic vistas of Lake Washington as because of convenience or necessity. The scenic qualities of the Boulevard also contribute to making it a major pedestrian and bicycle corridor, serving waterfront park users, joggers, strollers and downtown shoppers.

Lake Washington Blvd. provides a major through route and serves as a major pedestrian and bicycle corridor.

In the last several years, traffic on Lake Washington Boulevard has greatly increased, particularly during morning and evening commute periods. This has restricted local access to and from the Boulevard and has created noise, safety problems and conflicts for pedestrians, bicyclists and adjacent residents. Furthermore, these problems are compounded by traffic speeds

Traffic problems on Lake Washington Blvd. are described.

generally in excess of the posted limit. Solutions to these problems should be sought which recognize that the Boulevard has a scenic, recreational and open space function which is as important as its function as a commute route. Although police enforcement of speed limits is necessary, the most effective solutions to these problems are primarily of a design and improvement nature. Improvements to the Boulevard should help accommodate its broader amenity function in such a manner that the safety of all the Boulevard's diverse users is enhanced, while significant amounts of through traffic are not diverted to other arterials. Accordingly, the following improvements would be desirable:

- (1) Completion of sidewalks along the entire length of both sides of Lake Washington Blvd.
- (2) Widening of sidewalks where sufficient right-of-way exists or by providing incentives for widening sidewalks onto private property at the time of development.
- (3) Installation of pedestrian crossings at intersections and adjacent to waterfront parks where safety considerations allow such installation.
- (4) Additional use of a center left turn lane at intersections or where on street parking is not needed.
- (5) Development of landscaped median islands to separate traffic and provide pedestrian safety where center left turn lanes or on-street parking are not needed.
- (6) Continuation and widening of bicycle lanes.
- (7) Installation of a traffic signals at the intersection of Lake Washington Boulevard with Lakeview Drive and N.E. 38th Place.

- (8) Installation of on-street parking in areas of high parking demand, provided that traffic safety will not be impaired.

The means for implementing these improvements should be both on a comprehensive area-wide basis, and to the extent possible, on an incremental basis by encouraging or requiring them to be incorporated into private developments.

Implementation should be both area-wide and site specific

Also important to the successful achievement of a greater amenity function for the Boulevard will be traffic improvements that are regional in scope. Accordingly, the City should support and encourage the following regional solutions:

Regional solutions should be sought.

- (1) Improvements to the ingress and egress to I-405 at N.E. 4th Street and N.E. 8th Street in Bellevue and N.E. 116th Street and N.E. 124th Street in Kirkland.
- (2) Improved access to I-405 from Juanita and north Kirkland by upgrading and widening N.E. 116th Street and N.E. 124th Street.
- (3) Alternatives to the single occupancy vehicle for commuting purposes, such as increased use of Metro Transit, Commuter Pool, High Occupancy Vehicles (HOV) and the investigation of future modes, such as light rail.
- (4) Improvements to the I-405/SR 520 interchange.

The impact of automobiles generated by shoreline developments also is a major concern with regard to parking. At the present time, required parking is to be contained on site or can be partially located off-site within a few hundred feet. As shoreline development continues, the City should

New policies are necessary to deal with shoreline parking requirements. Shoreline parking is to be limited and coordinated off-site parking is to be considered.

continue to minimize the impact of the automobile along the waterfront and look to meeting parking needs off-site. Off-site facilities can include designated parking areas funded through "in lieu" provision as developments are proposed. Another concept under consideration is to permit off-site, on-street parking for activities west of the Boulevard. This could be partially financed by parking "fee in lieu" funds collected from developments requiring the parking. In either case, provisions for safe pedestrian crossings of Lake Washington Boulevard are to be provided as well as insuring that the off-site parking does not adversely affect adjacent residential or other uses.

Water, sewer and drainage facilities are adequate for possible developments along Lake Washington Boulevard. No service is presently available to either Yarrow Slough or Yarrow Slope. Prior to the occupancy of new developments, the water, sewer and drainage facilities should be extended to meet the requirements of the designated land use for the area. Septic tanks are prohibited (see Public Services/Facilities: Water/Sewage Systems Policy 1).

The path/trail system shown in Figure 20 indicates only the major elements of the system. A bicycle/pedestrian trail along the Lake Washington Boulevard is a priority element which would serve both transportation and recreation functions. In addition, a public waterfront trail with connections to the Boulevard should be a required element of all shoreline developments other than single family homes.

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Adequate water and sewer facilities prior to the time of occupancy is required.

Bicycle/pedestrian pathways are discussed.

6044A

Introduction

The land area west of Lake Street South falls within 200 feet of Lake Washington's shoreline, and is, therefore, subject to the provisions of the Shoreline Management Act of 1971. Pursuant to this legislation, the City of Kirkland has adopted a Shoreline Master Program which contains goals, policies and use regulations governing shoreline development. Shoreline uses in the Central/State/Everest Neighborhood Street-area must be consistent with the Master Program.

Kirkland's Shoreline Master Program applies to land within 200 feet of Lake Washington.

Natural Elements

The shoreline itself represents a unique feature of the natural environment. It is a limited resource that goes further than any single natural or manmade feature toward defining Kirkland's identity and quality of life. Development should preserve the natural character of the shoreline to the greatest extent feasible and maintain water quality.

Development should preserve the natural character of the shoreline and maintain water quality.

~~The two small waterfront parks (South Kirkland and the Sands property) in the Shoreline area should be consolidated into a larger, more usable facility. This consolidation would require eventual public acquisition of the privately owned parcel that presently separates the two small parks. In keeping with the recommendations of Kirkland's Shoreline Master Program, additional public acquisition of waterfront property is a high priority in the City's park and open space program (see Open Space/Parks Policy 4). Figure 26 indicates general locations where public acquisition of additional waterfront property would be desirable.~~

~~Expansion of the shoreline park system is a high priority in the City's park program. Sites for acquisition are recommended.~~

Major-pedestrian-and-bicycle-pathways in-the-Shoreline-area-are-designated in-Figure-26.--Future-development should-be-designed-in-a-way-that structures-do-not-preclude-the-establishment-of-such-pathways.

Major-pedestrian-and-bicycle-pathways-are recommended-according to-designations-in Figure-26.

### Living Environment

The Shoreline Master Program permits a variety of uses along the shoreline. The majority of Existing development in the Shoreline area is limited to is predominantly multi-family residential or and park uses. New mMulti-family uses-would development should be permitted at medium densityies (10 to 14 dwelling units per acre). This is a lowering of densities at which multi-family developments have taken place in the past. Past densities have created ingress and egress problems on Lake Washington Boulevard.

Shoreline residential uses are outlined.

As specified in the Shoreline Master Program, nNew residential structures constructed waterward of the high water line will are not be permitted. Additional Sstandards governing new multi-family development are contained in the Shoreline Master Program.

Overwater structures are not permitted. Additional standards are in the Shoreline Master Program

### Economic Activities

Future commercial activities may-locate-where-such-uses-presently exist.--Thus,-a-broader-range-of The major focus of commercial activities in the Shoreline Area are-permitted is and should continue to be north-of-the 2nd-Avenue-Street-end-(for-example+ within the Central Business District). Limited Ceommercial activities may-also-be should be permitted adjacent-to-the-10th-Avenue-Street-end elsewhere in the shoreline, if public access to and use of the shoreline is enhanced. Other standards for shoreline economic activities are specified in the Shoreline Master Program.

Commercial uses are disucssed.

Open Space/Parks

In keeping with the recommendations of Kirkland's Shoreline Master Program, additional public acquisition of waterfront property is a high priority in the City's park and open space program (see Open Space/Parks Policy 4). Public acquisition of additional waterfront property should continue wherever feasible.

There are four publicly owned street ends along the shoreline in the Central/State/Everest Neighborhood. Two of these street ends are presently being used as parking facilities for nearby private developments. In the future, private use of these street ends should not be allowed. All street ends should be available for public use and designed to provide a sense of openness along Lake Washington Boulevard.

Public Services/Facilities

The shoreline area is provided access from Lake Washington Boulevard which is designated as a major arterial and provides the major north-south route through Kirkland south of the Central Business District and west of I-405. The Boulevard also provides local access for a substantial number of residential developments and businesses. A significant portion of existing traffic, however, is probably attracted to the Boulevard as much because of the scenic vistas of Lake Washington as because of convenience or necessity. The scenic qualities of the Boulevard also contribute to making it a major pedestrian and bicycle corridor, serving waterfront park users, joggers, strollers and downtown shoppers.

Expansion of the shoreline park system is a high priority in the City's park program.

Street ends along the shoreline should be for public use.

Lake Washington Boulevard provides a major through route and serves as a major pedestrian and bicycle corridor.

USE ZONE CHART

Directions: FIRST, read down to find USE... THEN, across for REGULATIONS.

USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE					
				FRONT	SIDE	REAR							
Public Utility		Process IIA Chapter 150	None	20'	20' on each side	20'	60%	25' above average building elevation	A	B	See Section 105.25	<ol style="list-style-type: none"> <li>1. May be permitted only if locating this use in the immediate area of the subject property is necessary to permit effective service to the area or the "City" as a whole.</li> <li>2. Noise exceeding that normally associated with a residential neighborhood must be minimized using the best available technology.</li> <li>3. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density use may not exceed 50 feet if any part of that structure within 100 feet of the low density use exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulations for further details.</li> <li>4. Traffic cannot significantly impact any residential neighborhood.</li> <li>5. Refer to Chapter 85 for regulations regarding development on property containing an unstable slope.</li> <li>6. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>	
Government Facility		Process IIA Chapter 150	None	20'	10' on each side	10'	60%	25' above average building elevation	D	B	See Section 105.25	<ol style="list-style-type: none"> <li>1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems.</li> <li>2. May install transit route and information signs and markers.</li> </ol>	
Public Transit Shelter		Process I Chapter 149	None	None	None	None	100%	15' above average building elevation			See Spc. Regs. #2	<ol style="list-style-type: none"> <li>1. The design of the park must serve the needs of the area in which it is located.</li> <li>2. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density use may not exceed 50 feet if any part of that structure within 100 feet of the low density use exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulations for further details.</li> <li>3. Refer to Chapter 85 for regulations regarding development on property containing an unstable slope.</li> <li>4. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>	
Public Park		If one acre or more, then Process IIA Chapter 150 Otherwise, none	None	Will be determined on a case-by case basis				25' above average building elevation		B	See Section 105.25	<ol style="list-style-type: none"> <li>1. The design of the park must serve the needs of the area in which it is located.</li> <li>2. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density use may not exceed 50 feet if any part of that structure within 100 feet of the low density use exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulations for further details.</li> <li>3. Refer to Chapter 85 for regulations regarding development on property containing an unstable slope.</li> <li>4. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>	

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Footnotes

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For information of the regulations in this category, see Chapter 95.
- For details of what may exceed this height limit, see Chapter 115.
- For details regarding required yards, see Chapter 115.



In the last several years, traffic on the Boulevard has greatly increased, particularly during morning and evening commute periods. This has restricted local access and has created noise, safety problems and conflicts for pedestrians, bicyclists and adjacent residents. Furthermore, these problems are compounded by traffic speeds generally in excess of the posted limit. Solutions to these problems should be sought which recognize that the Boulevard has a scenic, recreational and open space function which is as important as its function as a commute route. Although police enforcement of speed limits is necessary, the most effective solutions to these problems are primarily of a design and improvement nature. Improvements to the Boulevard should help accommodate its broader amenity function in such a manner that the safety of all the Boulevard's diverse users is enhanced, while significant amounts of through traffic are not diverted to other arterials. Accordingly, the following improvements would be desirable:

Traffic problems on Lake Washington Boulevard and recommended improvements are described.

- (1) Completion of sidewalks along the entire length of both sides of Lake Washington Blvd.
- (2) Widening of sidewalks where sufficient right-of-way exists or by providing incentives for widening sidewalks onto private property at the time of development.
- (3) Installation of pedestrian crossings at intersections and adjacent to waterfront parks where safety considerations allow such installation.
- (4) Additional use of a center left turn lane at intersections or where on street parking is not needed.
- (5) Development of landscaped median islands to separate traffic and provide pedestrian safety where

center left turn lanes or on-street parking are not needed.

- (6) Continuation and widening of bicycle lanes.
- (7) Installation of a traffic signal at the intersections of Second Avenue South.
- (8) Installation of on-street parking in areas of high parking demand, provided that traffic safety will not be impaired.

The means for implementing these improvements should be both on a comprehensive area-wide basis, and to the extent possible, on an incremental basis by encouraging or requiring them to be incorporated into private developments.

Implementation should be both area-wide and site specific.

Also important to the successful achievement of a greater amenity function for the Boulevard will be traffic improvements that are regional in scope. Accordingly, the City should support and encourage the following regional solutions:

Regional solutions should be sought.

- (1) Improvements to the ingress and egress to I-405 at N.E. 4th Street and N.E. 8th Street in Bellevue and N.E. 116th Street and N.E. 124th Street in Kirkland.
- (2) Improved access to I-405 from Juanita and north Kirkland by upgrading and widening N.E. 116th Street and N.E. 124th Street.
- (3) Alternatives to the single occupancy vehicle for commuting purposes, such as increased use of Metro Transit, Commuter Pool, High Occupancy Vehicles (HOV) and the investigation of future modes, such as light rail.
- (4) Improvements to the I-405/SR 520 interchange.

The Shoreline area between 2nd Avenue South and 10th Avenue South consists of a strip of land between the water and Lake Street South. This narrow configuration of land creates problems with regard to on-site parking associated with future development. At the present time, required parking may be located off-site within a few hundred feet of the development. However, the transportation policies in this Land Use Policies Plan attempt to limit off-site parking (see Public Services/ Facilities: Transportation Policies 2.d. and 2.e.). As shoreline development continues, the impact of parking should be minimized and ways to solve the problems might include some off-site parking. For example, off-site parking could be provided in designated areas funded by private developments in lieu of required on-site parking. Similarly, on-street parking may partially alleviate this problem. In any case, safe pedestrian crossing of Lake Street South is to be provided, and off-site parking is not to adversely affect adjacent residential or other uses.

~~There are four publicly owned street ends along the shoreline in the State Street area. Two of these street ends are presently being used as parking facilities for nearby private developments. In the future, private use of these street ends should not be allowed. All street ends should be available for public use and should provide a sense of openness along Lake Street South.~~

The path/trail system shown in Figure 25 indicates only the major elements of the system. A bicycle/pedestrian trail along Lake Washington Boulevard is a priority element which would serve both transportation and recreation functions. In addition, a public waterfront trail with connections to the Boulevard should be a required element of all shoreline developments.

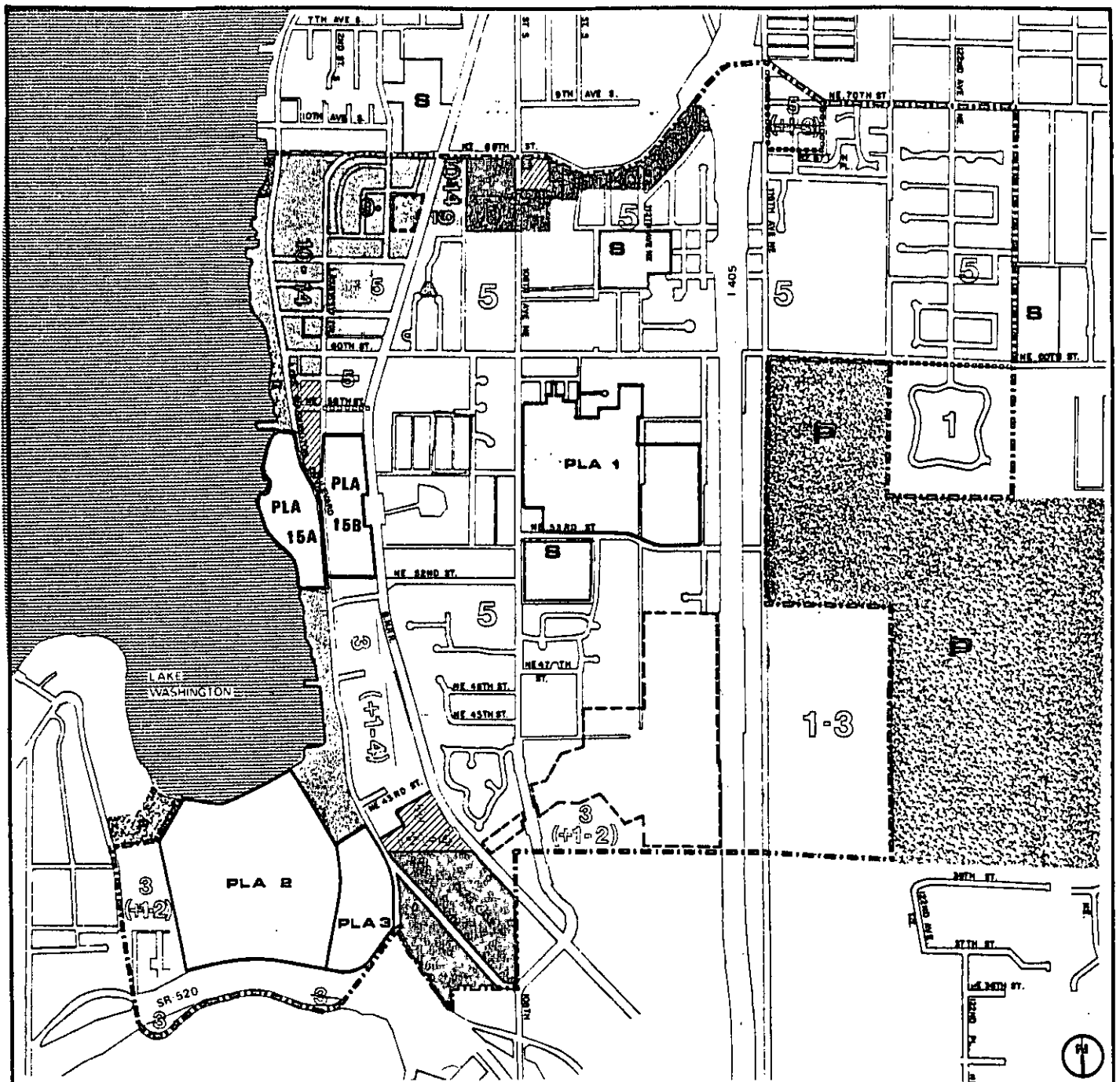
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On-site parking requirements pose problems for shoreline development. Off-site methods for parking are considered.

~~Street ends along the shoreline should be for public use.~~

Pedestrian and bicycle trails are discussed.

6081A/219A



**LEGEND**











- |  |  |
|--|--|
|  Low Density Residential                  |  Commercial      |
|  Medium and High Density Residential      |  Industrial      |
|  Maximum Density (in dwelling units/acre) |  Schools         |
|  Office/Multi-Family                      |  Parks           |
|  Planned Area                             |  Bodies of water |

FIGURE  
**17**

**HOUGHTON/BRIDLE TRAILS  
LAND USE**