

ORDINANCE NO. 3153

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING REVISIONS TO THE LOCAL SHORELINE MASTER PROGRAM, PURSUANT TO THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT (RCW CHAPTER 90.58) AMENDING CERTAIN PROCEDURES FOR THE REVIEW AND ISSUANCE OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS AND AMENDING CHAPTERS 24.05 AND 24.06, RESPECTIVELY, OF THE KIRKLAND MUNICIPAL CODE.

Whereas, the Kirkland Planning Commission, following hearings held June 2, 1988 and July 7, 1988, has recommended to the Kirkland City Council comprehensive revisions to the Kirkland Shoreline Master Program and to the procedures for issuance of Shoreline Substantial Development permits. Said Shoreline Master Program having heretofore been adopted by Ordinance 2938 (Chapter 24.05 Kirkland Municipal Code) and approved by the Washington State Department of Ecology as Section 173-19-2512 of the Washington Administrative Code, and

Whereas, pursuant to the State Environmental Policies Act there has accompanied this legislative proposal and recommendation through the entire consideration process a final determination 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, the City Council has reviewed and considered the recommendation of the Planning Commission, together with the environmental documents received from the responsible official, now, therefore

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

Section 1. Chapter 24.05 Shoreline Master Program for Kirkland amended:

Chapter 24.05 of the Kirkland Municipal Code is amended to read as set forth in Attachment A to this Ordinance, which attachment is by this reference incorporated herein as though fully set forth. Attachment A contains the complete text of Chapter 24.05 with new text shown by underlining and deleted text shown by line through. [new text ~~deleted text~~].

Section 2. Shoreline administration and procedures Chapter 24.06 Kirkland Municipal Code amended.

Chapter 24.06 of the Kirkland Municipal Code is amended to read as set forth in Attachment B to this Ordinance, which attachment is by this reference incorporated herein. Attachment B contains the complete text of Chapter 24.06 with new text shown by underlining and deleted text shown by line through. [new text ~~deleted text~~].

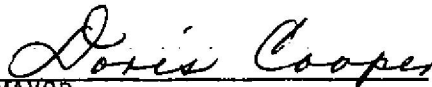
Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining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

Section 4. Effective Date. The provisions of Section 1 of this Ordinance shall be in force and effect as of the date of approval of the revised Shoreline Master Program, adopted in said Section by the Washington State Department of Ecology pursuant to the Shoreline Management Act.

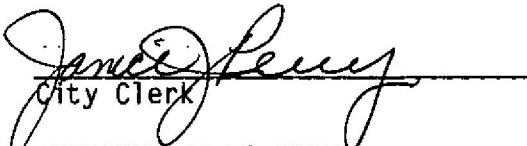
Except as otherwise specifically provided in this Ordinance, all of the provisions of this Ordinance shall be in force and effect days five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the Summary form attached to the original of this Ordinance and by this reference approved by the City Council for publication.


Passed by majority vote of the Kirkland City Council in regular, open meeting this 7th day of February, 1989.

Signed in authentication thereof this 7th day of February, 1989.

  
MAYOR

ATTEST:

  
City Clerk  
APPROVED AS TO FORM.

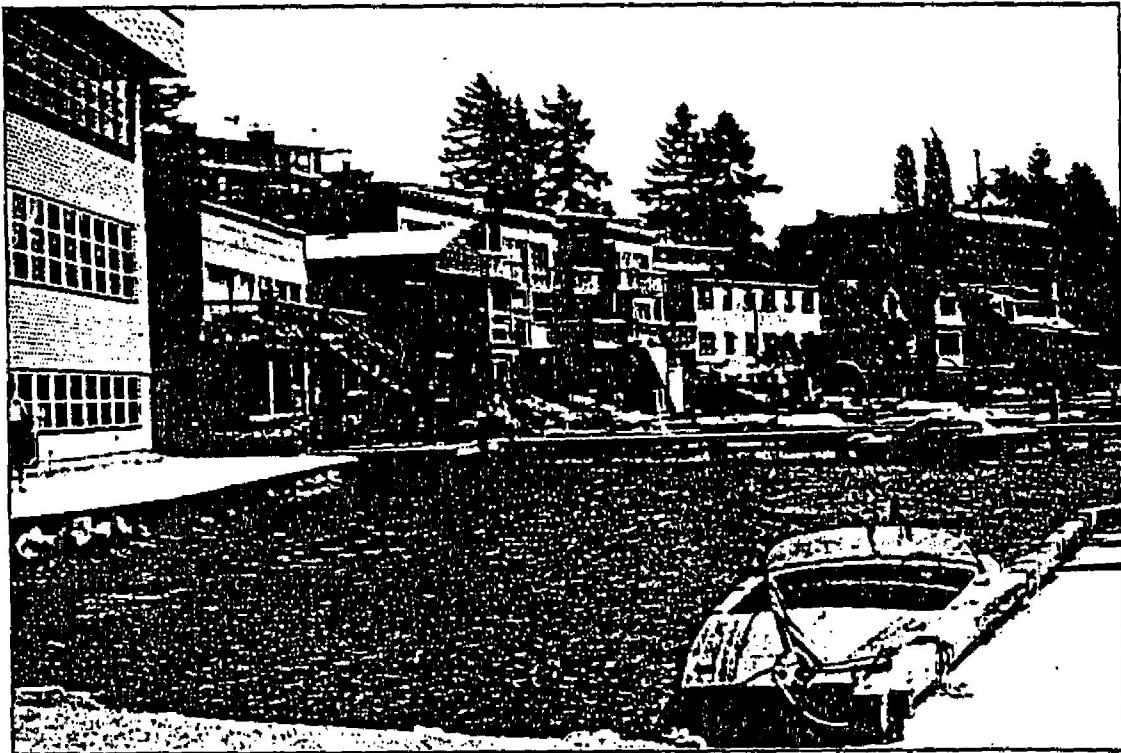
  
City Attorney



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## PART I: INTRODUCTION

## TITLE 24 - NATURAL RESOURCES

## CHAPTER 24.05 - SHORELINE MASTER PROGRAM

Part I	Introduction
Part II	Goals and Policies
Part III	Environmental Designations
Part IV	Regulations
Part V	Appendices

24.05.01 Organization

This Chapter is divided into the following four Parts, consistent with the material to be included within a master program as established in Ch. 173-16 WAC:

1. Part I, Sections 24.05.05 through 24.05.35, contain basic and general information regarding the Shoreline Master Program.
2. Part II, Sections 24.05.40 through 24.05.85, contain the City's goals and policies with respect to the seven program elements established in Ch. 173-16 WAC.
3. Part III, Sections 24.05.90 through 24.05.100, contain information regarding the different shoreline environments to be found within the City.
4. Part IV, Sections 24.05.105 through 24.05.210, contain regulations that apply to the various uses, developments, and activities that are regulated under the Shoreline Master Program.
5. Part V, Section 24.05.215 through the end of this chapter, contains appendices pertaining to this chapter.

## PART I - INTRODUCTION

24.05.05 User Guide

This Part, Sections 24.05.05 through 24.05.35, contains basic information regarding the applicability of the Shoreline Master Program, the relationship of the Shoreline Master Program to other documents, and how to use the Shoreline Master Program. It also contains the definitions that will be used throughout the Shoreline Master Program.

24.05.10 Adoption Authority

This title, Chapter 24.05 of the Kirkland Municipal Code, is hereby adopted as the Shoreline Master Program for the City of Kirkland. It is adopted under the authority of Chapter 90.58 RCW and Chapter 173-16 WAC.

4.05.15 Applicability

The regulations of this Chapter apply to all shorelines within the City and to the waters and underlying land of Lake Washington within the City. These regulations do not apply to any portion of a one hundred year floodplain in the City that does not otherwise meet the definition of shoreline.

24.05.20 Relationship to Other Codes and Ordinances

1. General - Most of the uses, developments, and activities regulated in this Chapter are also covered by the Kirkland Comprehensive Plan, the Kirkland Zoning Code, the Kirkland Building Codes and various other provisions of City, state and federal laws. The applicant must comply with all applicable laws prior to commencing any use, development, or activity.
2. Relationship to the Kirkland Zoning Code - The Kirkland Zoning Code, Ordinance 2740, as amended, establishes specific and detailed regulations for most of the uses, development, and activities regulated in this Chapter. The Kirkland Zoning Code and this Chapter are intended to operate together to produce coherent and thorough shoreline regulations. In all cases, uses, developments and activities must comply with both the Kirkland Zoning Code and Shoreline Master Program. If there is a conflict between the two, the more restrictive applies.
3. Relationship to Lake Washington Regional Shoreline Goals and Policies - It is the intent of this Shoreline Master Program to be

consistent with the Lake Washington Regional Shoreline Goals and Policies as promulgated October 31, 1973 pursuant to Chapter 173-28 WAC which established Lake Washington as a region pursuant to the State Shoreline Management Act. However, if there is a conflict between the two, this Shoreline Master Program applies. (Refer to complete text in Part V Section 24.05.230.

24.05.25 Procedures

Please see Chapter 24.06 of the Kirkland Municipal Code for the procedures that the City will use to administer, implement and enforce the Shoreline Master Program within the City, including the procedures that apply to Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.

24.05.30 Policies and Regulations

It is the intent of the City that regulations contained within Part IV of this Chapter are mandatory in nature and that a use, development, or activity is not allowable unless it specifically complies with each applicable provision within Part IV. The goals and policies in Part II of this Chapter are intended to form the policy for shoreline uses, developments, and activities, as the basis of the regulations in Part IV and to assist the City in determining whether to grant, modify and grant, or deny each proposed use, development, and activity.

24.05.35 Definitions

1. Adoption by Reference - The definitions in Chapter 90.58 RCW and Chapters 173-14 and 173-16 WAC as now or hereafter established are hereby adopted by reference and apply in this Chapter and Chapter 24.06 of the Kirkland Municipal Code unless, from the context, another meaning is clearly intended.

2. Additional Definitions - In addition to the definitions adopted by reference above, the following definitions apply throughout this Chapter and Chapter 24.06 of the Kirkland Municipal Code unless, from the context, another meaning is clearly intended:

- .005. Abandoned - Knowing relinquishment of right or claim to the subject property or structure on that property.
- .010. Accessory - A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.
- .015. Alteration - A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.
- .020. Applicant - A person who applies for any permit or approval to do anything governed by this Code and who is the owner, of the subject property; the authorized agent of the owner, or the City.
- .025. Average Grade Level - The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.

Formula:

$$\text{Average Grade Level} = \frac{(\text{Mid-point Elevation}) \times (\text{Length of Wall Segment}) + (\text{Mid-point Elevation}) \times (\text{Length of Segment})}{(\text{Length of Segment}) + (\text{Length of Segment})}$$

(See Part V, Section 24.05.220.)

- .030. Average Parcel Depth - The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See Part V, Section 24.05.225.
- .035. Average Parcel Width - The average of the distance from-the-north-to-the-south between side property lines as measured along the high waterline and the front property line.
- .040. Backfill - Material placed into an excavated area, pit, trench or behind a constructed retaining wall or foundation.
- .045. Building - A roofed structure used for or intended for human occupancy.
- .050. Bulkhead - A wall or embankment used for retaining earth.
- {a}.055. City - Means the City of Kirkland, a municipal corporation.
- .060. Comprehensive Plan - The Land Use Policies Plan of the City.
- .065. Contour Line - The interconnection of points having the same height above sea level.
- .070. Cross Section (Drawing) - A visual representation of a vertical cut through a structure or any other three-dimensional form.
- .075. Dedication - The deliberate appropriation of land by an owner for public use or purpose, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.
- .080. Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling, dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.



- .085. Development Permit - Any permit or approval under this Code or the Uniform Building Code that must be issued before initiating a use or development activity.
- .090. Dredging - Removal of earth and other materials from the bottom of a body of water or from a wetland.
- .095. Dredging Spoils - The earth and other materials removed from the floor of a body of water or a wetland by the dredging process.
- .100. Dry Land - The area of the subject property landward of the high waterline.
- .105. Dwelling Unit - One or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.
- .110. Dwelling Unit, Attached - A dwelling unit that has one or more vertical walls in common with or attached to one or more other dwelling units or other uses and does not have other dwelling units or uses above or below it.
- .115. Dwelling Unit, Detached - A dwelling unit that is not attached or physically connected to any other dwelling unit or other use.
- .120. Dwelling Units, Stacked - A dwelling unit that has one or more horizontal walls in common with or adjacent to one or more other dwelling units or other uses and may have one or more vertical walls in common with or adjacent to one or more other dwelling units or other uses.
- .125. Easement - Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.
- .130. Erosion and Deposition - The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.
- .135. Excavate(tion) - The mechanical removal of soils and/or underlying strata.

- .140. Exempt from Substantial Development Permit - Developments set forth in the Washington Administrative Code 173-14-040 which do not meet the definition of substantial development under Revised Code of Washington 90.58.030(3)(e) (see Section .375 below).
- .145. Fill Material - Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.
- .150. Government Facility - A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
- .155. High Waterline - Where the ordinary high water mark cannot be found, it shall be the line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-22-030(6).
- .160. Hotel or Motel - A single building or group of buildings containing individual sleeping units intended for transient occupancy.
- .165. Improvement - Any structure or manmade feature.
- .170. Inner Harbor Line - The line designated as such on the-Official-Zoning-Map-by the State Harbor Line Commission pursuant to Article XV, Washington State Constitution (see Part 5, Section 24.05.215).
- .175. Land Surface Modification - The clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12, Kirkland Municipal Code, shall not be deemed to be land surface modifications.
- .180. Land Use Policies Plan - Ordinance 2346 as amended or, if repealed, its successor document, listing the goals and policies regarding land use within the City.
- .185. Landscaping - The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.
- .190. Landward - Toward dry land.

- .195.      Lot - A piece of land having a specific account number on the King County Assessor's Map. (Including the terms tract or parcel) A fractional part of subdivided land, or a parcel of unsubdivided land having common ownership that has fixed boundaries and is not divided by an existing right-of-way.
- .200.      Master Plan - A complete development plan for the subject property showing: placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.
- .205.      Mean Sea Level - The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.
- .210.      Moorage Facility - A pier, dock, buoy or other structure providing docking or moorage space for waterborne pleasure craft.
- .215.      Non-Conformance - Any use, structure, lot, condition, activity or any other feature or element of private property or the use or utilization of private property that does not conform to any of the provisions of this Code or that was not approved by the City through the appropriate decision-making process required under this Code.
- .220.      Office Use - A place of employment providing services other than production, distribution or sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar personnel services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services. The following uses are specifically excluded from the definition of office: banks, loan companies and similar financial institutions.
- .225.      Official Newspaper of the City - The publication designated by Ordinance or Resolution to contain official newspaper publications for City government.

- .230. Official Notification Boards of the City - The bulletin boards in the public areas of City Hall and the Kirkland Public Library.
- .235. Open Space - Land not covered by buildings, roadways, parking areas or surfaces through which water cannot percolate into the underlying soils.
- .240. Ordinary High Waterline - This term has the same meaning as "High Waterline".
- .245. Oriented - Facing or directed toward.
- .250. Outer Harbor Line - The line designated as such by the State Harbor Line Commission pursuant to Article XV, Washington State Constitution ~~on-the-Official~~ ~~Zoning-Map~~ (see Part V, Section 24.05.215 ).
- .255. Parking Area - Any area designed and/or used for parking vehicles.
- .260. Parking Space - An area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.
- .265. Pedestrian Orientation - Pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.
- .270. Planning Department - The Department of Community Development of the City of Kirkland.
- .275. Planning Director - The Director of the Department of Community Development of the City of Kirkland or the acting Director of that department.
- .280. Planning Official - The Director of the Department of Community Development or his/her designee.
- .285. Property Line - Those lines ~~on-the-King-County~~ ~~Assessor's-Map~~ enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:
  - 1. Front property line is any property line that is adjacent to a street or easement more than 20 feet in width, except that neither Burlington Northern right-of-way nor the I-405 right-of-way shall be considered front property lines.

2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or easement 20 feet or less in width.
3. Side property line is any property line other than a front property line or a rear property line.
4. High Waterline - this term is defined separately in this Chapter.

.290. Public Access - A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.

.295. Public Access Pier or Boardwalk - An elevated structure which is constructed waterward of the high waterline and intended for public use.

.300. Public Park - A natural or landscaped area, provided by a unit of government, to meet the active or passive recreational needs of people.

.305. Public Use Area - A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.

.310. Public Utility - A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, gas and transportation for persons and freight.

.315.      Required Yard - Those areas adjacent to and interior from the property lines and involving the following designations (if two required yards are coincidental, the yard with the greater dimensions shall predominate):

1.    Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.
2.    Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.
3.    Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.
4.    High Waterline Yard: That portion of a lot adjacent to and parallel with the high waterline and at a distance landward therefrom equal to the required high waterline yard depth.

.320.      Restaurant or Tavern - Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises.

- .325. Retail Establishment - A commercial enterprise which provides goods or services directly to the consumer and whose goods are available for immediate purchase and removal from the premises by the purchaser or whose services are traditionally not permitted within an office use.
- .330. Right-of-Way - Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondly, the land provides space for utility lines and appurtenances and other publically owned devices.
- .335. Shoreline Conditional Use - A use or development which is specifically listed by this Master Program as a conditional use within a particular shoreline environment or a use which is not addressed by this master program within any shoreline environment.
- .340. Shoreline Master Program (This) - The Ordinance of the City of Kirkland adopted under the authority of Chapter 90.58 R.C.W.
- .345. Shoreline Variance - A procedure to grant relief from the specific bulk, dimensional or performance standards set forth in this master program, and not a means to allow a use not otherwise permitted within a shoreline environment.
- .350. Silt or Sediment - The soil particles mobilized and deposited by the processes of erosion and deposition.
- .355. Street - A right-of-way or a private roadway.
- .360. Structure - Anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner.
- .365. Structural Alterations - Any change in the supporting member of a building or structure.
- .370. Subject Property - The entire lot, series of lots or parcels on which a development or use is or will locate and that is otherwise subject to the provision of this Code.

.375. Substantial Development - Any development of which the total cost or fair market value exceeds 2,500 dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this master program.

- a. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
- b. Construction of the normal protective bulkhead common to single family residences;
- c. Emergency construction necessary to protect property from damage by the elements;
- d. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agriculture service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, not shall it include normal livestock wintering operations;
- e. Construction or modification of navigational aids such as channel markers and anchor buoys;



- f. Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.
- g. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed 2,500 dollars;
- h. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- i. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- j. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

.380.      Use, development and/or activity - Means  
 (b)      "development" as that term is defined in Chapter 90.58, RCW. Use also means the nature of the activities taking place on private property or within structures thereon.

.385.      Waterward - Toward the body of water.

.390.

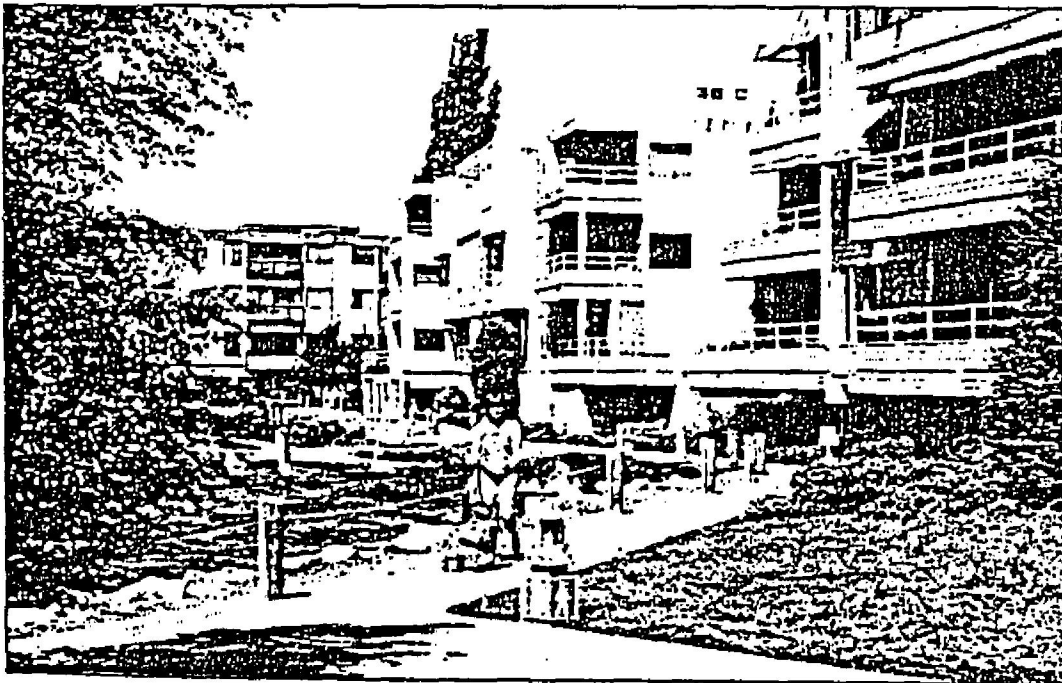
Wetlands - These areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology; Provided, That any county or city may determine that portion of a one-hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom. Wetlands also includes associated wetlands as defined in WAC 173.22.030.

.395.

Zoning Code - Ordinance 2740, Title 23 of the Kirkland Municipal Code as amended or, if Code, repealed, its successor document.

3.

Zoning Code Definitions --- The definitions in the Kirkland Zoning Code, Ordinance 2740 as now or hereafter established (see Part V, Section 24.05.215), are hereby adopted by reference and apply in this Chapter and Chapter 24.06 of the Kirkland Municipal Code, unless, from the context, another meaning is clearly intended, provided, however, that if a conflict exists between the definitions in the Kirkland Zoning Code and the definitions adopted or contained above, the definitions adopted or contained above will apply.



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## PART II: GOALS & POLICIES

## PART II - GOALS AND POLICIES

24.05.40 User Guide

This Part, Sections 24.05.40 through 24.05.85, establishes goals and policies for uses, developments and activities on the shorelines of the City. These goals and policies are categorized under the topic headings established in Ch. 173-16 WAC.

24.05.45 Adoption by Reference

The City hereby adopts the policies enunciated in RCW 90.58.020.

24.05.50 Shoreline Use Element Goal and Policies

1. Goal - It is a goal of the City to allow for a diversity of uses within the shoreline area consistent with the dramatically different character of the various shorelines within the city, and to preserve and enhance the natural and aesthetic quality of important shoreline areas while allowing for reasonable development to meet the needs of the city and its residents.
2. Policies
  - a. Environmentally sensitive areas should be strictly protected and use of these areas should be prohibited or severely limited.
  - b. New uses and developments in shoreline areas that have established and desirable development patterns should be consistent and compatible with what presently exists.
  - c. Areas of the shoreline without established development patterns and which are not unique or fragile should allow for a wide range of development options consistent with the Kirkland Zoning Code within established limits to protect the public interest.
  - d. Over-water structures other than docks, piers, breakwaters and other similar structures should be prohibited. Water dependent uses should have priority over non-water dependent uses in the shoreline area. Nonetheless, uses such as drydocks, boat yards, and similar marine enterprises are incompatible with the character of the shoreline area and should not be permitted.

- e. Uses in shoreline areas should not degrade water quality nor disrupt any more than is essential the land covered by water and the land area adjacent to the high water line.

24.05.55 Economic Development Element Goal and Policies

1. Goal - It is a goal of the City to allow for commercial development in specific and limited shoreline areas. The nature of this economic development should attract, and be open to, the general public and should not unduly interfere with the character of the shoreline area or with nearby shoreline and upland uses.
2. Policies
  - a. Commercial uses in shoreline areas should only be permitted where compatible with existing shoreline and upland development or where land can be aggregated to minimize the impacts from the commercial use.
  - b. Commercial uses should only be permitted where the infrastructure, particularly the roadway system, is presently adequate or is made adequate to accommodate the demands generated by commercial development.
  - c. The nature of commercial development which is permitted in shoreline areas should enhance the opportunity for the public to take advantage of shoreline amenities. Uses that support or enhance the opportunity for public access to the shoreline should be encouraged. This might include uses wherein the public can view and enjoy the aesthetic qualities of the shoreline, lake and vista beyond.
  - d. Commercial uses should not be permitted in any unique or fragile area, unless the impacts to this area are mitigated.

- e. In shoreline areas where large amounts of land can be aggregated, some degree of flexibility is appropriate to allow for innovative and planned site design within parameters established by the City.

24.05.60     Circulation Element Goal and Policies

1. Goal - A-It is the goal of the City to provide for the safe and efficient movement of vehicles and pedestrians within the shoreline area while recognizing and enhancing the unique, fragile and scenic character of the shoreline area.
2. Policies
  - a. Lake Washington Boulevard and Lake Street South, which provide access to and through much of the City's shoreline area, should be designed and regulated to safely accommodate the vehicular and pedestrian traffic using this corridor, as well as to facilitate egress and ingress from adjacent properties and to enhance the scenic character and recreational use of this corridor, while recognizing that shoreline uses should have primary access to Lake Washington Boulevard and Lake Street South.
  - b. Pedestrian and bicycle movement on and off roadways in the shoreline area should be encouraged wherever feasible.
  - c. Many shoreline areas of the City are served only by minor roadways providing access to a small number of uses, and not allowing for through traffic. This present pattern should continue.
  - d. Where new roadways are needed to serve uses in the shoreline area, these roadways should be the minimum necessary to provide safe and efficient access, including access for emergency vehicles, to the properties to be served.
  - e. Moorage or parking for float planes or helicopters should not be permitted in the shoreline area.

- f. Priority consideration of the use of Lake Washington Boulevard and Lake Street South should be given to those uses which are adjacent to Lake Washington Boulevard and Lake Street South.

24.05.65     Public Access Element Goal and Policies

1. Goal - It is a goal of the City to provide the maximum reasonable opportunity for the public to view and enjoy the amenities of the shoreline area.
2. Policies
  - a. Public pedestrian access along the water's edge of all shoreline development, other than single family residential or where unique and fragile shoreline areas would be adversely affected, should be required of all developments.
  - b. All developments required to provide public pedestrian access along the water's edge should connect this access to the right of way unless access to the water's edge can easily be gained via existing access points.
  - c. All developments required to provide public pedestrian access should be designed to visually and physically separate the public pedestrian access from adjacent private spaces. The separation may be accomplished vertically, horizontally, or by placing an intervening structural or landscape buffer.
  - d. In shoreline areas south of the Urban Mixed I Shoreline Environment, development should be controlled to allow for or enhance substantial visual openness from the frontage road to and beyond Lake Washington.
  - e. The City should use street ends and other publicly owned or controlled land within the shoreline area as a means of providing additional public access to shoreline areas.

- f. South of the Urban Mixed I Shoreline Environment, the public right-of-way of Lake Street South and Lake Washington Boulevard should be developed to accomodate a pedestrian promenade. The promenade should consist of widened sidewalks, amenities such as benches or shelters and public sign systems identifying crosswalks, historic or scenic features, jogging trails, public parks and access easements.
- g. The City may establish or permit the establishment of reasonable limitations on the time, extent, and nature of public access in order to protect the natural environment and the rights of others.
- h. The City should seek to complete a public pedestrian walkway along the shoreline from Juanita Bay Park to Juanita Beach Park. This walkway should be a required condition of all development, other than single-family residential or, where appropriate, the City may utilize public funds to complete improvements within the public pedestrian walkway. The walkway should consist of the continuance of the existing causeway. It should be designed so as to cause the least impact to these environmentally sensitive wetland areas and to private property. Their design may include portions elevated over wetlands or extended over the water. The walkway should include amenities such as benches or shelters, public sign systems, and information kiosks identifying the two public parks, historic or scenic features, jogging and bicycle trails, and access easements

24.05.70     Recreational Element Goal and Policies

- 1. Goal - It is a goal of the City to provide substantial recreational opportunities for the public in shoreline areas.
- 2. Policies
  - a. The City should continue its aggressive program to acquire and develop park land within shoreline areas. The City should also, where feasible, develop street ends within the shoreline area to provide for public recreation. The nature and extent of the recreation opportunities provided within the various lands in the shoreline area owned or controlled by the City



depends on the nature of the area involved, the amenities and natural resources to be found in that area, the location of the area and the needs of the community.

- b. Large or intensive private developments within the shoreline area should be required to provide some public recreation amenities, beyond public pedestrian access along the water's edge.

24.05.75     Conservation Element Goal and Policies

1. Goal - It is a goal of the City to protect and enhance unique and fragile areas of flora and fauna and scenic vistas to help assure the continued availability of these resources for future generations.
2. Policies
  - a. Large, relatively undisturbed areas of wetland are located at the north and south ends of the City. The City should, through acquisition and regulatory means, work to maintain these environmentally sensitive areas for present and future generations.
  - b. Development in shoreline areas should be managed so that impacts on aquatic and land plants and animals are minimized.
  - c. Where possible, steps should be taken to enhance the shoreline area as a spawning ground for salmon and other species of fish and aquatic life.

24.05.80     Historical/Cultural Element Goal and Policies

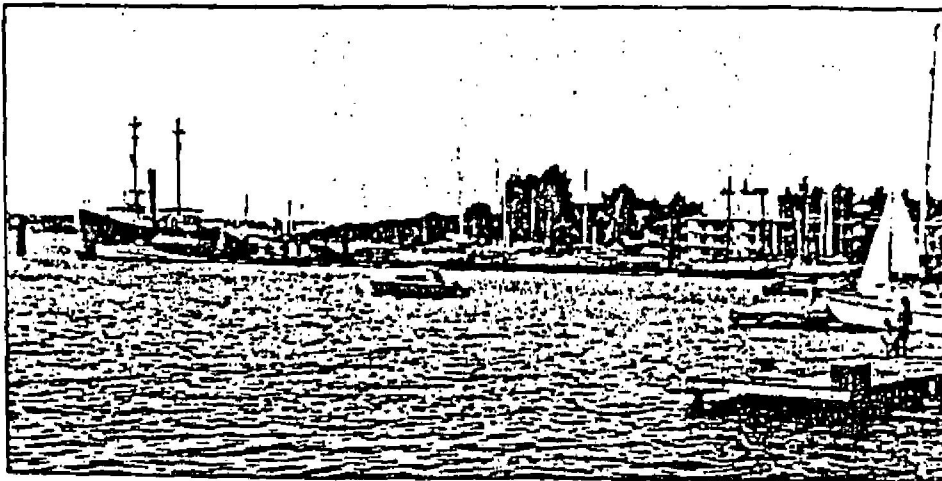
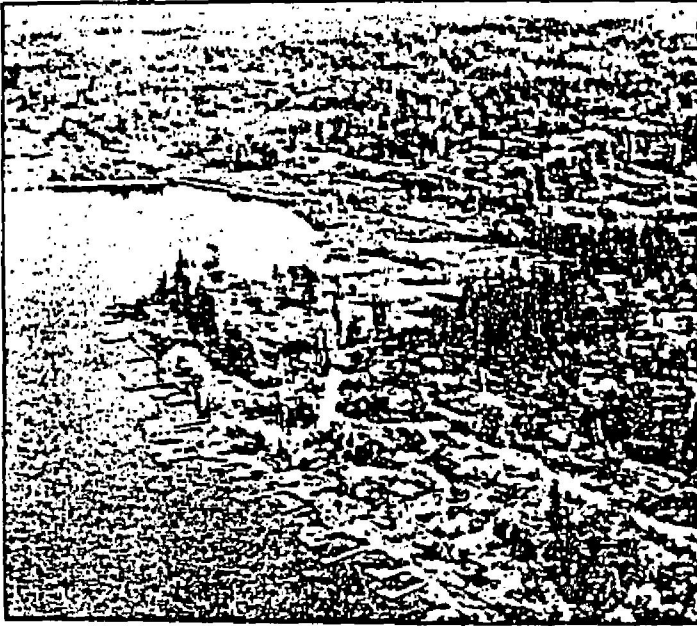
1. Goal - It is a goal of the City to identify and preserve those areas of the shoreline that are of scientific, educational, or historic value.

## 2. Policies

- a. There are strong indications that a Native American village may have existed, perhaps even as late as the early part of the twentieth century, somewhere in the Yarrow Bay area. Steps should be taken to identify, recover, and preserve any artifacts or other resources that may exist in this area.
- b. Wherever feasible, shoreline development should recognize the former use of much of the City's shoreline area for such uses as boatyards, ferry landings, and industrial sites.
- c. The large, relatively undisturbed areas of Yarrow Bay and Juanita Bay should be preserved for, amongst other reasons, their educational and scientific value.

### 24.05.85 Urban Design Element Goal and Policies

- 1. Goal - It is a goal of the City to encourage development within the shoreline area that is visually coherent, provides visual and physical linkage to the shoreline, and enhances the waterfront.
- 2. Policies
  - a. The shoreline area within and south of the Urban Mixed I Shoreline Environment is one of the most scenic areas of the City. It also, to a large extent, establishes the visual identity of Kirkland. As such, both public and private development in these areas should be controlled and regulated to provide an urban environment which preserves or enhances the opportunity of the public to enjoy the scenic quality of the shoreline.
  - b. Projects should be encouraged to provide "street furniture," landscaping and other amenities within or adjacent to the right-of-way of Lake Street South and Lake Washington Boulevard to complement the pedestrian promenade along the shoreline.



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## PART III: ENVIRONMENTAL DESIGNATIONS

## PART III - ENVIRONMENTAL DESIGNATIONS

24.05.90 User Guide

This part, Sections 24.05.90 through 24.05.100, establishes the different environmental designations for the various shoreline areas of the City. Part IV of this Chapter then establishes different regulations that apply in these different environmental designations.

24.05.95 Adoption Criteria

1. General - Different areas of the City's shoreline have radically different natural characteristics and development patterns. As a result, different environmental designations are needed to properly regulate shoreline uses, developments and activities.
2. Environmental Designations - The City establishes the following environmental designations based on the characteristics and factors listed.
  - a. Conservancy Environment - These are characteristically large undeveloped or sparsely developed areas exhibiting some natural constraints such as wetland conditions, frequently containing a variety of flora and fauna and in a natural or semi-natural state.
  - b. Suburban Residential Environment - These are areas typified by single family residential development on medium sized or larger lots in areas where topography, transportation systems, and development patterns make it extremely unlikely that more intensive use would be appropriate.
  - c. Urban Residential Environment - These are areas containing, for the most part, single family residential uses on small lots and multi-family residential developments, with some land being used for restaurants, marinas, and other commercial uses which depend on or benefit from a shoreline location.

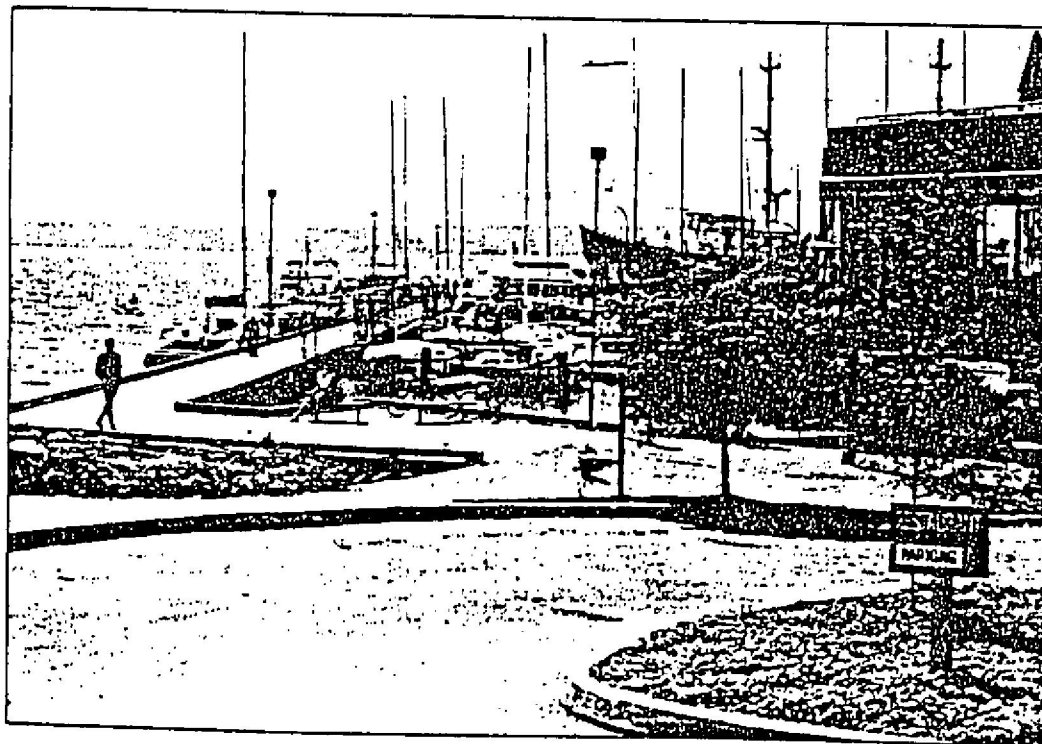
d. Urban Mixed Use Environment - The two types of areas which are appropriate for this classification, are as follows:

- 1) areas which have been intensively developed with a mix of residential and commercial uses.
- 2) large mostly undeveloped areas without serious environmental constraint and with good access which will allow for more intensive mixed use development.

24.05.100 Map Adopted By Reference

The map identified in Part V, Section 24.05.22015, is hereby adopted as the official map of the City designating the various shoreline environments within the City. These designations may be changed, from time to time, by City Council, with the approval of the Department of Ecology in a manner consistent with other amendments to a Shoreline Master Program. This map also generally shows the landward limit of the area within the City that is subject to the jurisdiction of the Shoreline Management Act and this Chapter; Provided, however that this map in no way increases or decreases the areas subject to the Shoreline Management Act and this Chapter which are:

1. all lands covered by Lake Washington; and
2. all lands within 200 feet of the ordinary high waterline of Lake Washington, and
3. all marshes, bogs, and swamps as designated and mapped by the Department of Ecology using the provisions of RCW 34.04.025.



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## PART IV: USE REGULATIONS

PART IV - USE REGULATIONS24.05.105 User Guide

This Part, Sections 24.05.105 through the end of this Chapter, contains regulations that apply to all uses, developments and activities in the shoreline area. This Part also establishes which uses, developments and activities are permitted in which shoreline environments.

24.05.110 Shoreline Uses, Developments and Activities

1. General - The chart in paragraph 2 of this section establishes which uses, developments, and activities are permitted in which of the shoreline environments. This chart also establishes which uses, developments and activities require the issuance of a Conditional Use Permit.
2. Chart - The following chart establishes the uses, developments, and activities which may take place or be conducted within the various shoreline environments as well as the required permit for each. Those uses, developments and activities listed are allowed only if consistent with all pertinent provisions of this Part. If a use, development or activity is not listed in the following chart, it is not permitted, except as provided in Sections 24.05.115 through 24.05.210 of this Chapter, or as provided in Section 90.58.030 R.C.W.

SHORELINE ENVIRONMENT USES	Urban Mixed 1 Shoreline Environ.	Urban Mixed 2 Shoreline Environ.	Urban Residential 1 Shoreline Environ.	Urban Residential 2 Shoreline Environ.	Suburban Residential Shoreline Environ.	Conservancy 1 Shoreline Environment	Conservancy 2 Shoreline Environment
Detached Residential	SDP/*	SDP/*	SDP/*	SDP/*	SDP/*	SCUP	SCUP
Attached or Stacked Residential	SDP	SDP	SDP	SDP	NP	NP	NPSCUP
Restaurant or Tavern	SDP	SDP	SDP	NP	NP	NP	NP
Retail or Office	SDP	SDP	NP	NP	NP	NP	NP
Moorage Structures and Facilities	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Public Parks	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Utilities Government Facilities, Roads, etc.	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Bulkheads and Similar Structures	SDP	SDP	SDP	SDP	SDP	SDPNP*	SDPNP
Breakwaters	SDP	SDP	SCUP	SCUP	NP	NP*	NP*
Dredging	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Filling	SCUP	SCUP	SCUP	SCUP	SCUP	NP*	NP*
Public Access Pier or Board-Walk	SDP	SDP	SDP	SDP	NP	NP*	NP*
Land Surface Modification	SDP	SDP	SDP	SDP	SDP	SCUP	SCUP

SDP: Substantial Development Permit

SCUP: Shoreline Conditional Use Permit

NP: Not Permitted

NP\*: May be permitted as an accessory to public parks if approved through a S.C.U.P.

\*: This use is exempt from Substantial Development Permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-14-040(g), as amended.

**NOTE:** Hydraulic permits may also be required from the State Department of Fisheries and Wildlife for development or activities located waterward of the ordinary high water mark.



24.05.115 Flexibility With a Shoreline Conditional Use Permit

In addition to the uses, developments and activities listed in Section 24.05.110 as permitted in the various shoreline environments, any uses, developments or activities may be approved through the issuance of a Shoreline Conditional Use Permit if all the following conditions are met:

1. The use, development or activity is compatible with existing and permitted uses, developments or activities within the same shoreline environment.
2. No increase in structure height is approved under this section.
3. No industrial use is approved under this section.
4. Complies with the criteria set forth in Section 173-14-140(1)(a-e) of the Washington Administrative Code.

24.05.120 General Regulations - Environmentally Sensitive Areas

1. Location - Environmentally sensitive areas include steep slopes; marshes, bogs, and swamps; floodplains; streams; spawning beaches; and other areas exhibiting serious constraints on development and/or significant possibility of biotic productivity.
2. Development Limitations - All uses, developments, and activities on sites containing environmentally sensitive areas must comply with all applicable local, state, and federal laws pertaining to development in these areas. In addition, the site must be specifically designed so that the hazards from or impact on the environmentally sensitive area will be mitigated.

3. Additional Authority - In addition to any other authority the City may have, the City is hereby authorized to condition or deny a proposed use, development, or activity or to require site redesign because of hazards associated with the use, development or activity on or near an environmentally sensitive area and/or the effect of the proposal on the environmentally sensitive area.

24.05.125 General Regulations - Historical and Archeological Resources

1. General - Uses, developments, and activities on sites of historical or archeological significance or sites containing things of historical or archeological significance must not unreasonably disrupt or destroy the historical or archeological resource.
2. Resource Recovery - Wherever possible, things of historical or archeological significance should be properly explored, cataloged, and recovered by qualified individuals prior to any disruptive development, use, or activity occurring on the subject property. If items of historical or archeological significance are discovered after a use, development or activity has commenced, all activity must cease until proper disposition, including resource recovery, can be made of the significant items.
3. Site Design - The City may require that a site be redesigned or that development be postponed for a definite or indefinite period if this is reasonably necessary to protect a historic site or items of historic, archeologic or cultural significance.

24.05.130 General Regulations - Parking

1. Off-Street Parking Required - All uses must provide sufficient off-street parking spaces in order to accommodate the reasonably anticipated number of vehicles that will be coming to the subject property.

2. Access - The City will determine the number, location, and design of all curb cuts and other points of ingress and egress between the subject property and public rights-of-way.
3. Design and Layout - Parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way.

24.05.135 General Regulations - Public Access

1. General - Except as listed in Paragraph 2 of this section, all uses, developments, and activities must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property at or close to the high waterline. Developments required to provide public access should be designed to visually and physically separate the public pedestrian access from adjacent private spaces. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property.
2. Exceptions - The following uses, developments, and activities are exempt from providing public pedestrian access under this section:
  - a. The construction, repair, remodeling and use of one detached dwelling unit, as well as the construction, remodeling, repair, and use of bulkheads, docks, and other uses, developments and activities incidental to the use of the subject property as habitation for one family.

- b. All use, development and activity in conservancy environments, or environmentally sensitive areas where the City determines that access would create distinct and unavoidable hazards to human safety or be contrary to City policies regarding the protection of unique and fragile environments.
- 3. Special Provisions for Plats and Short Plats - Except in the Suburban Residential Shoreline Environment, all plats and short plats must be designed to provide public pedestrian access as stated in Paragraph 1 of this Section.
- 4. Public Use Facilities
  - a. In addition to the public pedestrian areas required by Paragraph 1 of this Section, the applicant may propose and/or the City may require that benches, picnic tables, a public access pier or boardwalk, or other public use facilities be constructed on the subject property.
  - b. If public use facilities are required or proposed, the City will determine the size, location and other regulations for it on a case-by-case basis.
- 5. Timing - The public pedestrian access required by this Section must be completed and available at the time of occupancy or completion of work; provided, however, that the City may on a case-by-case basis defer the physical availability of public access in the following cases:
  - a. If shoreline development without public pedestrian access exists on both sides of the subject property and the City determines that the size, location and topography of the subject property does not warrant making public waterfront access available until additional adjacent waterfront access can be obtained.

- b. If preexisting improvements on the subject property physically preclude the provision of public waterfront access within a reasonable period of time.
6. Easements Recorded - In each case where public pedestrian access is required, whether it is physically available at the end of development or deferred until a later date, all owners of the subject property must record an appropriate easement approved by the City Attorney establishing the right of the public to this access.
7. Signs and Regulations - The City shall require the posting of signs, obtained from the City, designating public pedestrian access. The director of the Department of Planning and Community Development is authorized to establish reasonable rules and regulations governing the public's use of public pedestrian access and use areas under this Chapter. Where appropriate, these rules and regulations shall be included within the documents recorded under Paragraph 6 of this Section.

24.05.140 General Regulations - Land Surface Modification

1. General - The regulations of this Section apply to proposed land surface modifications landward of the high waterline. See Sections 24.05.185 and 24.05.195 of this Chapter for regulations that apply to land surface modification waterward of the high waterline (dredging and filling) and Section 24.05.180 of this Chapter regarding land surface modification incidental to the construction of a bulkhead or other shoreline protective structures.
2. Land Surface Modification Within the High Waterline Yard - Land Surface modifications within the high waterline yard may be permitted only if no unique or significant natural area of flora or fauna will be destroyed and only for the following purposes:

- a. The land surface modification is proposed by a public agency to improve public safety, recreation or access.
  - b. The land surface modification is part of a development on the subject property and is to improve access to a pier, dock, or beach.
  - c. The land surface modification is necessary to provide public pedestrian access or a public use area.
  - d. The land surface modification is necessary for the structural safety of a structure.
  - e. There has been severe and unusual erosion within the one year immediately preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion.
3. Land Surface Modification Landward of the High Waterline Yard - Land surface modification landward of the high water line yard is only permitted if it is necessary for an approved development or use of the subject property or if it is incidental to landscaping for an existing use on the subject property.
  4. Additional Regulations - All land surface modifications landward of the high waterline must comply with the following requirements:
    - a. The land surface modification must be the minimum necessary to accomplish the underlying reason for the land surface modification.
    - b. Care must be taken to not create any direct or indirect adverse impacts on any adjoining property or Lake Washington.
    - c. All surfaces exposed during land surface modification must be revegetated or otherwise covered as quickly as possible to minimize erosion.

- d. During land surface modification activities techniques should be employed to prevent erosion and runoff onto adjacent properties or into Lake Washington.
  - e. Except as is necessary during construction, dirt, rocks, and similar materials may not be stockpiled on the subject property. If stockpiling is necessary during construction, it must be located as far as possible from the lake and strictly contained to prevent erosion and runoff.
  - f. Material that will be deposited on the subject property must be clean and not contain organic or inorganic substances that could pollute Lake Washington or otherwise be detrimental to water quality or aquatic or shoreline habitats.
  - g. The City may require that land surface modifications be engineered and/or supervised by an engineer or similarly qualified professional.
5. Land Surface Modifications in Conservancy Shoreline Environments - Notwithstanding any other provision of this section, land surface modification in conservancy shoreline environments should not be allowed unless:
- a. It is necessary to rehabilitate a stream or otherwise improve or enhance the natural environment; or
  - b. It is proposed by a public agency as part of development or use of the subject property.

24.05.145 Use Regulations - Detached Dwelling Units

- 1. General - This section contains regulations pertinent to the development and use of a detached dwelling unit. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments detached dwelling units are permitted.

## 2. Permitted Use

- a. The principal use permitted in this section is the use of the subject property and dwelling as a place of habitation for one family.
- b. In addition to the principal use listed above, accessory uses, developments, and activities normally associated with a detached dwelling unit and residential occupancy are also permitted. This chapter contains specific regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

## 3. Lot Size

- a. The minimum lot sizes established below are based on the entire area of the subject property landward of the high waterline, not just the portion of the subject project within the jurisdiction of the Shoreline Management Act and this Chapter.
- b. Except for pre-existing lots, the minimum lot size for a detached dwelling unit is as follows:
  - 1) In the Suburban Residential Shoreline Environment, the minimum lot size is 12,500 square feet of lot area landward of the high waterline.
  - 2) In the Conservancy 1 and 2 Shoreline Environments, the minimum lot size is 35,000 square feet of lot area landward of the high waterline.



2+3) In all other shoreline environments where detached dwelling units are permitted, the minimum lot size is 3,600 5,000 square feet of lot area landward of the high waterline.

4. Required Yards - Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

a. In the Suburban Residential Shoreline Environment the required yards are as follows:

- 1) The front yard is 20 feet.
- 2) ~~The north property line yard is equal to the height of the detached dwelling unit above average grade level minus five feet.~~
- 3) ~~The south property line yard is five feet.~~
- 4+2) The high waterline yard is the greater of either 15 feet or 15% of the average parcel depth.
- 5) ~~If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. In addition, the dimensions of any required yard, other than as specifically listed above, will be determined on a case-by-case basis.~~

6)3) Notwithstanding any of the regulations in this Paragraph 24.05.145(4)(a), if dwelling units exist immediately adjacent both to the north and south of the subject property, the high waterline yard of the subject property is increased or decreased to be the average of the high waterline yards of these adjacent dwelling units. If the high waterline yard is increased as a result of these adjacent dwelling units, the required yard opposite the high waterline yard may be decreased to be the average of the yards of the properties immediately adjacent to the subject property on the north and south.

4) The minimum dimension of any required yard other than listed above is five feet.

b. In the Conservancy 2 Shoreline Environment the required yards are as follows:

1) The front yard is 20 feet.

2) The side yard is five feet, but 2 yards must equal at least 15 feet.

3) The rear yard is ten feet.

4) The high waterline yard is 100 feet from Lake Washington and 50 feet from the canal.

c. In all other shoreline environments where detached dwelling units are permitted the required yards are as follows:

- 1) The front yard for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area if:
  - a) Any portion of a structure that is within 30 feet of the front property line, is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and
  - b) Substantially the entire width of this yard ~~{from-north-to-south property-lines}~~ is developed as a public use area; and
  - c) The design of the public use area is specifically approved by the City.
- 2) The front yard for properties lying east of Lake Washington Boulevard, Lake Street South, or 98th Avenue NE, is 20 feet.
- 2) ~~The-north-property-line-yard-is-the greater-of-15-feet-or-one-and-one-half times-the-height-of-the-primary structure-above-average-grade-level minus-ten-feet-~~
- 3) ~~The-south-property-line-yard-is-10 feet-~~
- 4) 3) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.
- 5) 4) The minimum dimension of any required yard other than as listed above is five feet.

e-d. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline. In addition, floating homes are not permitted, nor may boats or other water craft be used as dwelling units.

5. Minimum View Corridor Required - For properties lying waterward of Lake Washington Boulevard or Lake Street South a minimum view corridor of 30% of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

#### 56. Height

- a. In the Suburban Residential and Conservancy I Shoreline Environments the height of a structure associated with this use may not exceed 25 feet above average grade level.
- b. In all other shoreline environments wherein detached dwelling units are permitted, the height of structures associated with this use may not exceed 30 feet above average grade level.

#### 24.05.150 Use Regulations-Attached and Stacked Dwelling Units

1. General - This section contains regulations pertinent to the development and use of attached and stacked dwelling units. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments attached and stacked dwelling units are permitted.

## 2. Permitted Use

- a. The principal use permitted under this section is as dwelling units that are physically connected or attached to each other.
- b. In addition to the principal use listed above, accessory uses, developments, and activities normally associated with residential development and use are also permitted. This Chapter contains specific regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

## 3. Lot Size

- a. The minimum lot sizes established below are based on the entire area of the subject project landward of the high waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this Chapter.
- b. Minimum lot size in the Urban Mixed Use 1 Shoreline Environment is 7200 square feet of lot area landward of the high waterline, with at least 1800 square feet of lot area landward of the high waterline per dwelling unit.
- c. Minimum lot size in the Urban Mixed Use 2 Shoreline Environment is 7200 square feet of lot area landward of the high waterline, with at least 3600 square feet of lot area landward of the high waterline per dwelling unit.
- d. Minimum lot size in the Conservancy 2 Shoreline Environment is 35,000 square feet of lot area landward of the high waterline, with at least 35,000 square feet of lot area landward of the high waterline per dwelling unit.

- e. The minimum lot size for this use in all other shoreline environments where stacked and attached dwelling units are permitted is ~~7200~~ 3600 square feet of lot area landward of the high waterline with at least 3600 square feet of lot area landward of the high waterline per dwelling unit.

4. Required Yards - Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

- a. The required yards in the Urban Mixed Use 1 Shoreline Environment are as follows:

- 1) ~~The front, north, property line and south property line yards are~~ is zero; provided, however, that any portion of a structure that exceeds a height of 30 feet above average grade level must be set back from the front property line one foot for each five feet that portion exceeds 30 feet in height above average grade level.
- 2) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, balconies at least 15 feet above finished grade may extend up to four feet into the high waterline yard.
- 3) The minimum dimension of any required yard other than as listed above is zero.

- b. In the Conservancy 2 Shoreline Environment the required yards are as follows:

- 1) The front yard is 20 feet.
- 2) The side yard is 5 feet, but 2 yards must equal at least 15 feet.

- 3) The rear yard is 10 feet
- 4) The high waterline is 100 feet from Lake Washington, and 50 feet from the canal.

b-c. In all other shoreline environments where stacked or attached dwelling units are permitted, the required yards are as follows:

- 1) The front yard for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area if:
  - a) Any portion of a structure that is within 30 feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and
  - b) substantially the entire width of this yard (from north to south property lines) is developed as a public use area; and
  - c) the design of the public use area is specifically approved by the City.
- 2) The-north-property-line-yard-is-the greater-of-15-feet-or-one-and-one-half times-the-height-of-the-primary structure-above-average-grade-level minus-ten-feet.

2) The front yard for properties east of Lake Washington Boulevard, Lake Street South, or 98th Avenue NE is 20 feet.

3) ~~The-south-property-line-yard-is-ten feet.~~

4)3) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.

5)4) The minimum dimension of any required yard other than as listed above is five feet.

e-d. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline. In addition, floating homes are not permitted, nor may boats or other water craft be used as dwelling units.

5. Minimum View Corridor Required - For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive, a minimum view corridor of 30% of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

6. Height

a. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed 41 feet in height above average grade level.

b. In the Conservancy 2 Shoreline Environment, structures may not exceed 25 feet above average grade level, except that the height of a structure may extend up to 60 feet above average grade if the structure does not exceed a plane that starts 3.5 feet above the outside westbound lane of SR-520 and ends at the high waterline of Lake Washington, excluding the canal, and, pursuant to RCW 90.58.320, an overriding public interest will be served.



b=c. In all other shoreline environments where stacked and attached dwelling units are permitted, structures may not exceed 30 feet in height above average grade level; provided, however, the height of a structure may be increased to 35 feet above average grade level if the increase does not impair the views of the lake from properties east of Lake Street South and Lake Washington Boulevard. The height of a structure which is part of a mixed use development in the Urban Mixed Use 2 Environment shall be subject to the requirements of Section 24.045.205.5.

24.05.155 Use Regulations - Restaurants

1. General - This section contains regulations pertinent to the development and use of restaurants. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments restaurants are permitted.
2. Permitted Use
  - a. The principal use permitted in this section is a retail establishment which sells prepared food and beverages, generally with accommodations for consuming the food and beverage on the premises. Drive through and drive in facilities are not permitted.
  - b. In addition to the principal use listed above, accessory uses, developments and activities normally associated with restaurant uses are also permitted. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.
3. Lot Size
  - a. In Urban Mixed Use 1 Shoreline Environment there is no minimum lot size for this use.
  - b. In Urban Mixed Use 2 Shoreline Environment see Section 24.05.205 of this Chapter.
  - c. In Urban Residential 1 Shoreline Environment the minimum lot size for this use is 7200 square feet of lot area landward of the high waterline. This lot size is

computed by using the entire area of the subject property landward of the high waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this Chapter.

4. Required Yards - Over Water Structures Prohibited

The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

a. In the Urban Mixed use 1 Shoreline Environment, the following required yards apply:

- 1) There is no required front yard; provided, however, that any portion of the structure that exceeds a height of 30 feet above average grade level must be set back from the front property line one foot for each five feet that portion of the structure exceeds a height of 30 feet above average grade level.
- 2) ~~There is no required north property line yard.~~

3) ~~There-is-no-required-south-property  
line-yard.~~

4) 2) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, that balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.

5) 3) The minimum dimension of any required yard other than as listed above is zero feet.

b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

c. In Urban Residential 1 Shoreline Environment the required yards are as follows:

1) The front yard for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area, if:

a) Each portion of a structure within 30 feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and

b) substantially the entire width of this yard ~~{from-north-to-south  
property-lines}~~ is developed as a public use area; and

c) the design of the public use area is specifically approved by the City.

2) ~~The north property line yard is the greater of 15 feet or one and one-half times the height of the primary structure above average grade level minus ten feet.~~

2) The front property line for properties lying east of Lake Washington Boulevard, Lake Street South, or 98th Avenue NE is 20 feet.

3) ~~The south property line yard is 10 feet.~~

4)3) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.

5)4) The minimum dimension of any required yard other than as listed above is five feet.

- d. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.

5. Minimum View Corridor Required - For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE or Juanita Drive, a minimum view corridor of 30% of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

#### 56. Height

- a. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed a height of 41 feet above average grade level.

- b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.
- c. In the Urban Residential 1 Shoreline Environment, structures may not exceed a height of 30 feet above average grade level; provided, however, that the height of a structure may be increased to 35 feet above average grade level if the increase does not impair the views of the lake from upland properties east-of-Lake-Street-South and-Lake-Washington-Boulevard.

24.05.160 Use Regulations - Retail and Office Use

- 1. General - This Section contains regulations pertinent to the development and use of retail and office uses. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments retail and office uses are permitted.
- 2. Permitted Use
  - a. The principal uses permitted in this Section are retail establishments providing goods, services, and lodging directly to the public; and places of employment providing professional, administrative, and similar service functions.
  - b. In addition to the principal uses listed above, accessory uses, developments, and activities normally associated with retail and office uses are also permitted. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.
- 3. Lot Size
  - a. In the Urban Mixed Use 1 Shoreline Environment, there is no minimum lot size for this use.

- b. In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

4. Required Yards - Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

- a. In the Urban Mixed Use 1 Shoreline Environment, the required yards are as follows:
  - 1) The front yard is zero feet; provided, however, any portion of the structure that exceeds a height of 30 feet above average grade level must be set back from the property line one foot for each five feet that portion of the structure exceeds 30 feet above average grade level.
  - 2) ~~The north and south property line yards are zero feet.~~
  - 3) 2) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, that balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.
  - 4) 3) The minimum dimension of any required yard other than as listed above is zero feet.

- b. In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

- c. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.

5. Minimum View Corridor Required - For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE or Juanita Drive, a minimum view corridor of 30% of the average parcel width must be maintained. The

view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

#### 56. Height

- a. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed 41 feet above average grade level.
- b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

#### 24.05.165 Use Regulations - Moorage Structures and Facilities

1. General - This Section contains regulations pertinent to the development and use of moorage structures and facilities. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments moorage structures and facilities are permitted.
2. Permitted Use
  - a. The principal use permitted in this Section is moorage of private pleasure watercraft.
  - b. In the Suburban Residential Shoreline Environment, accessory uses, structures, and facilities are not permitted as part of this use.

c. In shoreline environments where this use is permitted, other than as specified above, the following accessory uses, developments and facilities are permitted as part of this use:

- 1) Boat and motor sales and leasing.
- 2) Boat and motor repair and service, if:
  - a) this activity is conducted on dry land and either totally within a building or totally site screened from adjoining property and the right-of-way; and
  - b) all dry land motor testing is conducted within a building.
- 3) Pumping facilities to remove effluent from boat holding tanks.
- 4) Dry land boat storage; provided, however, that stacked storage is not permitted.
- 5) Meeting and special event rooms.
- 6) Gas and oil sales for boats, if:
  - a) all storage tanks are underground and on dry land; and
  - b) the use has facilities to contain and clean up gas and oil spills.

This accessory use (gas and oil sales) may be conducted within an over water shed that is not more than 50 square feet in area and ten feet high as measured from the deck.

- 7) Boat launch ramps that meet the following requirements.
  - a) the ramp is paved with concrete.



- b) there is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant.
  - c) access to the ramp is not directly from the frontage road.
  - d) the design of the site is specifically approved by the City.
- d. Other Sections in this Chapter contain regulations on bulkheads and other shoreline protective structures and other uses, developments and activities which may be conducted accessory to the principal use.
3. Minimum Lot Size - There is no minimum lot size for this use; provided, however, that the subject property must be large enough and be of sufficient dimensions to comply with the site design and other requirements of this Chapter.
4. Limitation on Uses In The Suburban Residential Shoreline Environment
- a. In the Suburban Residential Shoreline Environment, moorage structures and facilities may only be developed and used accessory to detached dwelling units on waterfront lots. Use of moorage structures and facilities in the Suburban Residential Shoreline Environment is limited to the residents and guests of the waterfront lots to which the moorage is accessory. Moorage space may not be leased, rented, sold, or otherwise made available to other than the residents and guests of the waterfront lots to which the moorage is accessory.
  - b. In the Suburban Residential Shoreline Environment, moorage structures and facilities may not provide moorage for more than two boats; provided, however, that waterfront lots in this environment are encouraged to develop joint or shared moorage facilities. If this occurs, the joint or shared moorage facility may contain up to two moorages for each waterfront lot participating in the joint or shared moorage facility.

5. Size of Moorage Structures - Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of each proposed moorage structure to help insure that:
- a. The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and
  - b. The moorage structure is not larger than is necessary to moor the specified number of boats; and
  - c. The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and
  - d. The moorage structure will not adversely affect nearby uses; and
  - e. The moorage structure will not have a significant long term adverse effect on aquatic habitats.
6. Over Water Structures - Required Yards
- a. No structures regulated under this Section, other than moorage structures and sheds associated with gas and oil sales for boats, may be located waterward of the high waterline. Other Sections of this Chapter contain regulations on bulkheads and other shoreline protective structures and breakwaters which may be accessory to this use and located waterward of the high waterline.

- b. The required yards for structures landward of the high waterline are as established in the various shoreline environments by Section 24.05.150 regarding attached and stacked dwelling units.
- c. Waterward of the high waterline, the required setbacks in the Suburban Residential Shoreline Environment are as follows:
  - 1) ~~The north property line setback is 10 feet.~~
  - 2) ~~The south property line setback is 10 feet.~~
  - 3) 1) No moorage structure on private property may be within 25 feet of a public park.
  - 4) 2) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
  - 3) The side property line setback is 10 feet.
- d. Waterward of the high waterline, the required setbacks in the Urban Mixed Use 1 Shoreline Environment are as follows:
  - 1) If the subject property provides moorage for not more than two boats, the following setbacks apply:
    - a) ~~The north property line setback is 10 feet.~~
    - b) ~~The south property line setback is 10 feet.~~
    - c) a) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
    - b. The side property line setback is 10 feet.

- 2) If the subject property provides moorage for more than two boats, the following setbacks apply:

a) ~~The-north-property-line-setback is-10-feet.~~

b) ~~The-south-property-line-setback is-10-feet.~~

c) a) No moorage structure on private property may be within 100 feet of a public park.

d) b) No moorage structure may be within 50 feet of an abutting lot that contains a detached dwelling unit.

e) c) No moorage structure may be within 25 feet of another moorage structure not on the subject property.

d. The side property line setback is 10 feet.

e. Waterward of the high waterline, the required setbacks in shoreline environments other than as listed above, wherein this use is permitted are as follows:

- 1) If the subject property provides moorage for not more than two boats, the following setbacks apply:

a) ~~The-north-property-line-setback is-10-feet.~~

b) ~~The-south-property-line-setback is-10-feet.~~

c) a) No moorage structure on private property may be within 25 feet of a public park.

d) b) No moorage structure may be within 25 feet of another moorage structure not on the subject property.

c) The side property line setback is 10 feet.

2) If the subject property provides moorage for more than two boats, the following setbacks apply:

a) ~~The north property line setback is 10 feet.~~

b) ~~The south property line setback is 10 feet.~~

ea) No moorage structure on private property may be within 100 feet of a public park.

eb) No moorage structure on private property may be closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure and runs waterward towards the moorage structure at a 45 degree angle from that side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structures.

ec) No moorage structure on private property may be closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects with the side property line of that lot closest to the moorage structure and runs waterward towards the moorage structure at a 30 degree angle from that side property line. This setback applies whether or not the subject property abuts the lot containing the detached dwelling unit, but does not extend beyond any intervening over water structures.

fd) No moorage structure may be within 25 feet of another moorage structure not on the subject property.

e) The side property line setback is 10 feet.

7. Height of Structures

a. Landward of the high waterline, the maximum permitted height of structures is as follows:

- 1) In the Suburban Residential Shoreline Environment, the maximum height of structures landward of the high waterline is as established for detached dwelling units in that shoreline environment. See Section 24.05.145 of this Chapter.
- 2) In all other shoreline environments where this use is permitted, the maximum height of structures landward of the high waterline is as established in each of those shoreline environments for stacked and attached dwelling units. See Section 24.05.150 of this Chapter.

b. Waterward of the high waterline, pier and dock decks may not exceed a height of 24 feet above mean sea level.

8. Moorage Structures Waterward of the Inner Harbor Line - If the moorage structure will extend waterward of the inner harbor line, the applicant must obtain a lease from the Department of Natural Resources prior to proposing this use.

9. Certain Substances Prohibited - No part of moorage structures or other components that may come into contact with the lake may be treated with or consist of creosote, oil base, toxic, or other substances that would be harmful to the aquatic environment.

10. Certain Moorages Prohibited - Covered moorage is prohibited. Aircraft moorage is prohibited.

24.05.170 Use Regulations - Public Parks

1. General - This Section contains regulations pertinent to the development and use of public parks. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments public parks are permitted.
2. Permitted Uses - This Section allows for the development and use of a broad range of public parks. The level and scope of development, nature and extent of amenities, and type and intensity of activities in and of each park will be determined by the City based on the physical environment, location, surroundings and needs and demands of the community.
3. Height - The maximum height of structures is as follows:
  - a. In the Suburban Residential Shoreline Environment, structures may not exceed a height of 25 feet above average grade level.
  - b. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed a height of 41 feet above average grade level.
  - c. In all other shoreline environments where parks are permitted, structures may not exceed a height of 35 feet above average grade level.
4. Lot Size and Dimensions - The City will determine the required minimum lot size as well as the maximum bulk and dimensions of buildings and other site components on a case by case basis consistent with other provisions of this Section.

5. Special Considerations in Conservancy Shoreline Environments - In the Conservancy Shoreline Environments, park development must be sensitive to and protective of the unique or fragile natural systems found in these areas. Development of park facilities in these environments, must be the minimum necessary in order to support low intensity passive use and enjoyment of these areas. Physical access to these areas must be limited to boardwalks, public access piers or other similar components which define the nature and extent of physical intrusion and are less disruptive to the natural environment.

24.05.172 Use Regulations - Public Access Pier or Boardwalk

1. General - This section contains regulations pertinent to the development and use of public access piers or boardwalks along the shoreline or through wetlands. These regulations are founded on the goals and policies established in Part II of the Chapter. Please see the chart contained in Section 24.05.110 of this chapter to determine in which shoreline environments public access piers or boardwalks are permitted.
2. Permitted uses - This section allows for the development and use of public access piers or boardwalks to provide public access to the shoreline.
3. Minimum Lot Size - There is no minimum lot size for this use; provided, however, that the subject property must be large enough and be of sufficient dimensions to comply with the site design and other requirements of this chapter.
4. Over Water Structures - Required Yards - Side property line yards are 10 feet, unless the structure is designed to connect with waterfront public access on adjacent property.



5. Height of Structures - Waterward of the high waterline, pier and boardwalk decks may not exceed a height of 24 feet above mean sea level.
6. Certain Substances Prohibited - No part of a public access pier or boardwalk or other component that may come into contact with the lake may be treated with or consist of creosote, oil base, toxic, or other substances that would be harmful to the aquatic environment.
7. Special Considerations in Conservancy Shoreline Environments - In the Conservancy Shoreline Environments, public access pier or boardwalk development must be sensitive to and protective of the unique of fragile natural systems found in these areas. Physical access must be limited to these structures by use of railings and similar devices which define intrusion into the natural environment.

24.05.175 Use Regulations - Utilities, Government Facilities and Transportation Systems

1. General - This Section contains regulations pertinent to the development and use of utilities, government facilities and transportation systems. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments utilities, government facilities and transportation systems are permitted.

## 2. Permitted Uses

- a. Except as specified in this Section, this Section allows for the development and use of various structures, components and facilities necessary or convenient to the use and operation of a wide range of quasi-public and public utilities, government services and facilities and roadways and other transportation systems.
- b. Public parks are regulated separately in this Chapter and are not regulated under this Section.
- c. Maintenance, storage and production facilities are not permitted in shoreline areas.

## 3. Limitations on Location

- a. Except for public pedestrian access mandated or permitted by this Chapter and utility lines, infrastructure, roadways and similar components necessary to serve development within the shoreline area, utilities, government services and facilities, and transportation systems may not be located within shoreline areas unless this location is reasonably necessary for the efficient operation of the utility, government facility or services or transportation system.
- b. Utilities, government facilities and transportation systems may not be located waterward of the high waterline or anywhere in conservancy shoreline environments unless no alternative exists and this location is essential to the operation of the utility, government service or facility or transportation system.

## 4. Placement and Design

- a. When permitted within shoreline areas, utilities, government services and facilities and transportation systems must be placed and designed to minimize negative aesthetic impacts upon shoreline areas.

b. Except where this would not be feasible, all utility lines, pipes, conduits, meters, vaults, and similar infrastructures and appurtenances must be placed underground consistent with the standards of the serving utility.

5. Certain Pipelines Prohibited - Except for gas or oil pipelines otherwise permitted in this Section, no pipeline for the transmission of any substance that would be hazardous to the aquatic environment may be constructed within the shoreline area.

6. Height, Bulk, Lot Size, and Dimensional Requirements - The permitted height, bulk, lot size and other dimensional requirements for utilities, government facilities and services, and transportation systems will be made by the City on a case-by-case basis based on the following factors as applicable:

- a. The standards established by the serving utility.
- b. The standards established by the City for the structure or component in question.
- c. The impact of the structure or component on the shoreline area.
- d. The height, bulk and other dimensional requirements established for other uses in the various shoreline environments by this Chapter.

24.05.180 Use Regulations - Bulkheads and Other Shoreline Protective Structures

1. General - This Section contains regulations pertinent to the development and use of bulkheads and other shoreline protective structures. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments bulkheads and other shoreline protective structures are permitted.

2. Permitted Uses - This Section allows for the construction and use of walls, rockeries and similar structures that are constructed essentially parallel to the shoreline at the water's edge to prevent erosion of the shoreline.
3. Allowable Reasons - A bulkhead or other shoreline protective structures may be constructed only if:
  - a. it is needed to prevent significant erosion of the shoreline; and
  - b. the use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.
4. Prohibited Locations - Bulkheads and other shoreline protective structures may not be constructed within a marsh, bog or swamp or between a marsh, bog or swamp and the lake.
5. Design Considerations - Bulkheads and other shoreline protective structure must be designed to minimize the transmittal of wave energy to other properties.
6. Placement - Bulkheads and other shoreline protective structure may not be placed waterward of the high waterline, unless:
  - a. It is to stabilize a fill approved under Section 24.05.195 of this Chapter; or
  - b. There has been severe and unusual erosion within one year immediately preceding the application for the bulkhead or other similar protective structure. In this event, the City may allow the placement of the bulkhead or other similar protective structure to recover the dry land area lost by this erosion.
7. Change in Configuration of the Land - Except as otherwise specifically permitted in this Chapter, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

8. Backfill - The extent and nature of any backfill proposed landward of a bulkhead or other shoreline protective structure must be approved by the City.

24.05.185 Use Regulations - Breakwaters

1. General - This Section contains regulations pertinent to the development and use of breakwaters. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments breakwaters are permitted.
2. Permitted Uses - This Section allows for the construction and use of offshore structures used to inhibit wave action to create safe boat moorage. Only floating or open pile breakwaters are permitted.
3. Allowable Reasons - The City will permit the construction and use of a breakwater only if:
  - a. the breakwater is essential to the safe operation of a moorage facility; and
  - b. the City determines that the location, size, design, and accessory components of the moorage facility to be protected by the breakwater are distinctly desirable and within the public interest; and
  - c. Any undesirable effects or adverse impacts upon the environment or upon nearby waterfront properties from the breakwater are clearly outweighed by the benefits to the public provided by the moorage facility to be protected by the breakwater.
4. Professional Design and Supervision Required - All breakwaters must be designed and constructed under the supervision of a civil engineer or similarly qualified professional. As part of the application, the engineer or other professional designing the breakwater must certify that it is the smallest possible breakwater to meet the requirements of this Chapter and accomplish the purpose of the breakwater and also is designed to have the minimum possible adverse impacts upon the environment, nearby waterfront properties and navigation.

5. Public Use Required - Unless physically infeasible, public access to and along, and public use of (e.g. sitting, picnicing, fishing, etc.), the breakwater must be provided.
6. Certain Substances Prohibited - No part of the breakwater may be treated with or consist of creosote, oil base, toxic or other substances that would be harmful to the aquatic environment.

24.05.190 Use Regulations - Dredging

1. General - This Section contains regulations pertinent to dredging activities. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments dredging is permitted.
2. Permitted Uses - This Section allows for the displacement and removal of materials from the bottom of the Lake.
3. Allowable Reasons - The City will permit dredging only if:
  - a. no unique or significant natural area of flora or fauna will be destroyed; and
  - b. the dredging will not result in erosion of the shoreline or undermine the stability of neighboring properties; and
  - c. Either:
    - 1) the application for the dredging is filed by a public agency to improve navigability, public recreation or public safety; or

- 2) the application is to create a public use or recreation area; or
  - 3) the application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or
  - 4) the application is to provide sufficient draft for boat moorage.
4. Disposition of Dredging Spoils - Dredging spoils may not be deposited into the Lake. Dredging spoils may not be deposited onto shoreline areas, except as follows:
- a. Dredging spoils may be used as fill or landscape material for a development in the shoreline area that is otherwise approved by the City under this Chapter. This fill material must be of a type and nature that it will provide proper structural stability and will not create any undesirable effects or adverse impacts upon the environment or neighboring properties.
  - b. The City may permit dredging spoils to be temporarily deposited in the shoreline area for transfer and removal to an approved disposal site. The dredging spoils may not be stored in the shoreline area longer than is reasonably necessary and must be stored in a manner that will protect the environment and neighboring properties from undesirable effects and adverse impacts.
5. Revegetation - The applicant must reestablish any beneficial vegetation that is disrupted or destroyed during dredging.
6. Minimum Dredging Necessary - The extent of the dredging must be the minimum necessary to reasonably accomplish the purpose for the dredging under Paragraph 3.c of this Section.

24.05.195 Use Regulations - Fill

1. General - This Section contains regulations pertinent to the use of fill. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments fill is permitted.
2. Permitted Uses - This Section allows for the creation of dry upland areas by the deposition of sand, silt, gravel or other materials onto areas waterward of the high waterline.
3. Allowable Reasons - The City may permit filling only if:
  - a. no unique or significant natural area of flora or fauna will be destroyed; and
  - b. the fill will not result in erosion of the shoreline or undermine stability of neighboring properties; and
  - c. Either:
    - 1) the application is filed by a public agency to improve navigability, public recreation, or public safety; or
    - 2) the application is to create a public use or recreation area.
4. Fill Material - The fill material must be non-dissolving and non-decomposing. The fill material must not contain organic or inorganic materials that would be detrimental to water quality or the existing habitat.
5. Use of Vegetation - The applicant must stabilize exposed fill areas with vegetation.
6. Minimum Fill Necessary - The extent of the fill must be the minimum necessary to reasonably accomplish the purpose for the fill under Paragraph 3.c. of this Section.



7. Professional Design and Supervision - The City may require that the fill be designed and supervised by a civil engineer or similarly qualified professional. The City may require this professional to certify that the fill meets the following requirements:

- a. The fill is designed and executed to create the least possible undesirable effects and adverse impacts on neighboring properties and the environment.
- b. The fill is designed and executed to provide permanent structural integrity for the fill and surrounding areas.

24.02.200 Special Regulations - Authority of the City

1. General - In granting any permit under Chapter 24.06 of the Kirkland Municipal Code or the Shoreline Management Act, the City may impose any conditions or restrictions that the City determines are necessary to eliminate or minimize any undesirable effects of granting the permit.
2. Land Outside the Jurisdiction of the Shoreline Management Act - In addition to the authority described above, if a proposed use, development or activity includes areas both inside and outside the jurisdiction of the Shoreline Management Act, the City may impose conditions or restrictions on use, development or activity outside the jurisdiction of the Shoreline Management Act if necessary to eliminate or minimize any undesirable effects on areas within the jurisdiction of the Shoreline Management Act.

24.05.205 Special Regulations - Mixed Use Development In Urban Mixed Use 2 Shoreline Environment

1. General - This Section establishes special regulations under which a mixed use development may be permitted in the Urban Mixed Use 2 Shoreline Environment. If the provisions of this Section are specifically inconsistent with any other provisions of this Chapter, the provisions of this Section will apply. The provisions of this Chapter which are not specifically inconsistent with the provisions of this Section apply to development permitted under this Section.

## 2. Permitted Uses

- a. A development permitted under this Section must contain the following uses:
  - 1) Attached or stacked dwelling units.
  - 2) A restaurant or tavern.
  - 3) Moorage structures and facilities.
- b. The applicant may propose and/or the City may require or allow the mixed use development to contain the following uses:
  - 1) Retail uses.
  - 2) Office uses.
  - 3) Hotels.
  - 4) The accessory uses listed in Paragraph 6 of Section 24.05.165 of this Chapter.

- 3. Minimum Lot Size - The development must be approved as part of a master plan which encompasses the entire contiguous ownership of the applicant.
- 4. Number of Dwelling Units - There may not be more than one dwelling unit for each 3100 square feet of land area landward of the high waterline, computed using the entire area of the subject property between the high waterline and Lake Washington Boulevard.
- 5. Bulk and Site Design Requirements - The City will determine setbacks, lot coverage, structure heights, landscaping and all other bulk and site design elements of the development based on the compatibility of the development with adjacent uses and the degree to which public access, use and views are provided in the proposed development.

6. Public Access, Use and Views - The proposed development must provide substantial opportunities for public access to, use of and views of the waterfront.
  - a. A public pedestrian access trail along the entire waterfront of the subject property with connections to Lake Washington Boulevard at or near both the north end and south end of the subject property.
  - b. Waterfront areas developed and open for public use.
  - c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use.
  - d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of the views from existing developments lying east of Lake Washington Boulevard must be minimized.
7. Waterfront Orientation and Accessibility - All non-residential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
8. Vehicular Circulation - Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lake View Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lake View Drive. The City may require traffic control devices and right-of-way realignment and/or limit development if necessary to further reduce traffic impacts.

24.05.210 Special Regulations - Nonconformance

- 1- ~~General---No-work,-activity,-or-other-thing-may be-done-which-in-any-way-expands,-increases, amplifies,-intensifies,-or-in-any-way-makes greater-any-structure,-thing,-use,-development, or-activity-which-does-not-comply-with-this Chapter-~~

- 2- Abatement-and-Discontinuance---Structures-and uses-which-do-not-conform-to-the-provisions-of this-Chapter-must-be-abated,-discontinued-and/or made-to-conform-to-the-provisions-of-this Chapter-if-any-of-the-following-apply:
- a- The-structure-has-been-abandoned-for-90-or more-consecutive-days-or-the-nonconforming use-has-ceased-for-180-or-more-consecutive days.
  - b- The-applicant-is-making-structural-alterations-to-any-structure-that-is-nonconforming-or-houses-or-supports-any nonconforming-use.
  - c- The-structure-or-use-did-not-conform-to-the Shoreline-Master-Program-in-effect-when-the structure-was-built-or-the-use-commenced.
- 3- Special-Provisions-for-Damaged-Structures-and Improvements---If-a-nonconforming-structure-or improvement-is-damaged-by-sudden-accidental cause,-the-applicant-may-reconstruct-that improvement.--The-reconstructed-improvement-may not-be-more-nonconforming-that-it-was immediately-prior-to-the-damage.

Where nonconforming development exists, the following definitions and standards shall apply:

- 1. "Nonconforming development" means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the act;
- 2. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity;
- 3. A nonconforming development which is moved any distance must be brought into conformance with the applicable master program and the act;

4. If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage;
5. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such non-conforming use in order for the nonconforming rights to expire;
6. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and
7. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act or the applicable master program but which which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the applicable master program and the act.

PART V - APPENDICES

~~24.05.215---Zoning-Code-Chapter-5---Definitions~~

24.05.22015 - Map of Shoreline Environments and Jurisdiction

24.05.220 - Calculating Average Grade Level

24.05.225 - Calculating Average Parcel Depth

24.05.230 - Lake Washington Regional Shoreline Goals and Policies

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3. Criteria - WAC 173-14-140 establishes the criteria under which the City may issue a Conditional Use Permit. In addition, the City will not issue a Conditional Use Permit for a use which is not listed as allowable in the Shoreline Master Program unless the applicant can demonstrate that the proposed use has impacts on nearby uses and the environment essentially the same as the impacts that would result from a use allowed by the Shoreline Master Program in that shoreline environment.
4. Approval by Department of Ecology - Once the City has approved a Conditional Use Permit it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-14-130.

#### 24.06.50 Variances

1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Variance under the Shoreline Management Act.
2. Purpose of a Variance - Under WAC 173-14-150, the purpose of a Variance is strictly limited to granting relief to specific bulk, dimensional or performance standards of the Shoreline Master Program where there are extraordinary or unique circumstances relating to the subject property such that the strict implementation of the Shoreline Master Program would impose unnecessary hardship on the applicant or thwart the policies set forth in RCW 90.58.020.
3. Procedures - The City will review and decide upon each application for a Variance under the Shoreline Management Act using the provisions of Chapter 155 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. Where a conflict exists, the provisions of this Chapter will be followed.
4. Criteria - WAC 173-14-150 establishes the criteria under which the City may grant a Variance.

5. Approval by Department of Ecology - Once the City has approved a Variance, it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-14-130.

24.06.55 Permits

After approving a Substantial Development Permit, Conditional Use Permit or Variance under the Shoreline Management Act and the Shoreline Master Program the City will issue a permit containing, at a minimum, the information specified in WAC 173-14-120.

24.06.60 Filing With Department of Ecology and Attorney General

WAC 173-14-090 establishes the requirements and procedures for filing decisions on permits with the Department of Ecology and the Office of Attorney General.

24.06.65 Requests for Review

WAC 173-14-170 and 173-14-174 establish the procedures and time periods for requesting review of decisions on Substantial Development Permits, Conditional Use Permits and Variances and other decisions under the Shoreline Management Act and the Shoreline Master Program.

24.06.70 Time to Commence and Complete Development

WAC 173-14-060 and 173-14-061 establishes time requirements for commencing and completing work authorized by a permit under the Shoreline Management Act and the Shoreline Master Program. The City may, on a case by case basis, issue permits for a fixed time period as authorized in WAC 173-14-060.

24.06.75 Revision to Issued Permits

WAC 173-14-064 establishes the procedure and criteria under which the City may approve a revision to a permit issued under the Shoreline Management Act and the Shoreline Master Program.



24.06.80 Enforcement Authority

WAC 173-14-180 Chapter 173-17 contains enforcement regulations, including authority for the City to issue regulatory orders to enforce the Shoreline Management Act and the Shoreline Master Program. In addition, the City shall have any and all other powers and authority granted to or devolving upon municipal corporations to enforce ordinances, resolutions, regulations, and other laws within its territorial limits.

24.06.85 Additional Authorities and Responsibilities

The City shall have any and all additional authority and perform any and all additional responsibilities now or hereafter granted to or devolving upon municipal corporations with respect to the administration and enforcement of the Shoreline Management Act and Shoreline Master Program.

SUMMARY OF ORDINANCE No. 3153

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING REVISIONS TO THE LOCAL SHORELINE MASTER PROGRAM, PURSUANT TO THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT (RCW CHAPTER 90.58) AMENDING CERTAIN PROCEDURES FOR THE REVIEW AND ISSUANCE OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS AND AMENDING CHAPTERS 24.05 AND 24.06, RESPECTIVELY, OF THE KIRKLAND MUNICIPAL CODE.

Section 1. Amends the following sections and subsections of Chapter 24.05 Kirkland Municipal Code, the Kirkland Shoreline Master Program:

Part I Introduction -

24.05.20 to include a policy statement of consistency with Chapter 173-28 Washington Administrative Code, Lake Washington Regional Shoreline Goals and Policies.

24.05.35 to add new specific definitions and to delete use of Zoning Code definitions by reference.

Part II Goals and Policies -

24.05.65.2 to add as policy goal completion of public pedestrian walkway along shoreline from Juanita Bay Park to Juanita Beach Park.

Part III Environmental Designations -

24.05.100 adopts environmental designations and environmental designation map for the shoreline area of Juanita Bay formerly in unincorporated King County.

Part IV Use Regulations -

The following sections and subsections contain amendments pertaining to substantial development use chart, shoreline boardwalk as a public use facility, and regulations pertaining to minimum lot size, view corridor and yard requirements, height restrictions and non-conformance within the various shoreline environments:

24.05.110.2

24.05.135.4



24.05.145.3                      24.05.145.4  
24.05.150                        24.05.155  
24.05.160                        24.05.172

24.05.210

Part V Appendices -

Deletes incorporation of Zoning Code definitions by reference, amends map of shoreline environments to include areas recently annexed to Kirkland, adds method for calculating average grade level and average parcel depth and includes text of Lake Washington regional goals and policies.

Section 2. Amends Section 24.06.35 of the Kirkland Municipal Code relating to administration and enforcement procedures of the Shoreline Management Act and the Kirkland Shoreline Master Program with respect to certain notice procedures applying to Shoreline Permit applications and hearings.

Section 3. Contains a savings clause.

Section 4. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date of the Ordinance to be five days after publication of this summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 7th day of February 1989.

I certify that the foregoing is a summary of Ordinance No. 3153 approved by the Kirkland City Council for summary publication.

  
City Clerk

## 24.05.215-- DEFINITIONS--

5.05 User Guide

The definitions in this Chapter apply for this Code.

5.10 Definitions

The following definitions apply throughout this Code unless, from the context, another meaning is clearly intended.

5. Abandoned --- Knowing relinquishment of right or claim to the subject property or structure on that property.

10. Access Drive -- A privately owned driving surface which collectively serves 2, 3, or 4 parcels that produce 100 or fewer daily trip ends.

15. Accessory -- A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.

20. Adjoining -- Property that touches or is directly across a street, other than a primary arterial, from the subject property. -- For the purpose of height regulations, if a structure is more than 100 feet from a low density zone it is not considered as adjoining that zone.

22. Adult Entertainment Activity or Use -- All of the following:

1. Adult theatre means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) for observation by patrons therein and which excludes minors by virtue of age.

2. Adult bookstore means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) and which excludes minors by virtue of age.

3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in Sections 5-10-884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in Section 5-10-885) and which establishment excludes minors by virtue of age.
25. Air Rights -- The right to in some manner control the use of the space above the surface of the ground.
30. Alluvium -- Soil deposits transported by surface waters.
35. Alteration -- A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one third of the gross floor area of a single floor.
37. Amend -- To change the Zoning Map, text of the Zoning Code, or Land Use Policies Plan in accordance with this Code.
40. Applicant -- A person who applies for any permit or approval to do anything governed by this Code and who is the owner, or the subject property, the authorized agent of the owner, or the City.
- 45B Average Building Elevation -- The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.
50. Average Ground Elevation -- The average elevation of the topography, prior to any development activity, at the center of all sides of the structure or improvement.
55. Average Lot Elevation -- The average elevation of all corners of a lot as measured from natural or existing topography.
60. Average Parcel Depth -- The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See following diagram for examples.

65. Average Parcel Width --- The average of the distance from the north to the south property lines as measured along the high waterline and the front property line.
67. Average Slope --- The average grade of a site within each land area representing a distinct topographic change.
70. Backfill --- Material placed into an excavated area, pit, trench or behind a constructed retaining wall or foundation.
75. Bearing Capacity --- The ability of a soil to support a structure, as measured in pounds per square foot.
80. Bond --- A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed, or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.
85. Buffer --- Any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Buffers may include but are not limited to; berms, high shrubs, dense stands of trees, trellises and fences.
90. Building --- A roofed structure used for or intended for human occupancy.
95. Building Mounted --- All of the following: wall mounted signs, marquee signs, under marquee signs and projecting signs.
100. Building Official --- "Building Official", as that term is defined in the Uniform Building Code as adopted in Title 21, Kirkland Municipal Code.
105. Bulkhead --- A wall or embankment used for retaining earth.
108. Center Identification Sign --- A type of building or ground mounted sign which identifies the name of a development containing more than one use or tenant and which does not identify any individual use or tenant. These signs do not have internally lighted sign fields and are constructed with materials, colors, shapes or other architectural features which are the same as the buildings with which the signs are associated.

110. Certificate of Occupancy -- ~~"Certificate of Occupancy"; as that term is defined in the Uniform Building Code as adopted in Title 23, Kirkland Municipal Code.~~
115. Changing-Message-Center -- ~~an electronically controlled public service time and temperature sign, message center, or weatherboard where different copy changes of a public service or commercial nature are shown on the same lampbank.~~
120. Church -- ~~An establishment, the principal purpose of which is religious worship, and for which the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.~~
125. City Manager -- ~~the chief administrative official of the City.~~
130. Clustered Development -- ~~The grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot-by-lot development at a given density.~~
135. Code (this) -- ~~The Code of the City of Kirkland adopted as Title 23 of the Kirkland Municipal Code.~~
140. Commercial-Recreation-Area-and-Use -- ~~An area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.~~
145. Commercial Zones -- ~~BH, BC, CBD, FC-1, FC-1L, PLA 4, PLA-8, PLA-10A and PLA-10B.~~
150. Common-Open-Space-Suitable-for Many Activities -- ~~Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area~~
- a: ~~is not covered by buildings, parking or driving areas of impervious surfaces, and~~
  - b: ~~is not covered by dense vegetation that impedes access, and~~



c. Does not contain a slope of more than 15%.

- 155. Community-Recreation-Area-or-Clubhouse -- An area devoted to facilities and equipment for recreational purposes; swimming pools; tennis courts; playgrounds; community club houses and other similar uses maintained and operated by a non-profit club or organization whose membership is limited to the residents within a specified geographic area.
- 160. Comprehensive Plan -- The Land-Use Policies Plan and the Shoreline Management Program of the City.
- 165. Construction Sign -- An informational sign which identifies the architect, engineer, contractor and any other individual or corporation involved with the construction of a building or use.
- 170. Contour Line -- The interconnection of points having the same height above sea level.
- 175. Court of Competent Jurisdiction -- The judicial body empowered to adjudicate the question under consideration.
- 180. Gross Section (Drawing) -- A visual representation of a vertical cut through a structure or any other three-dimensional form.
- 185. Culvert -- An open-ended cylindrical structure generally used for the conveyance of storm waters.
- 190. Curb Cut -- The connection of an access drive or a driveway with a street which may entail a structural alteration to the curb by lowering the height of part of the curb.
- 192. Day-Care-Center -- In RS Zones; A Day-Care operation with thirteen (13) or more children at any one time. For all other zones; see Day-Care Operation.
- 193. Day-Care-Home -- A Day-Care operation with no more than six (6) children at any one time.
- 194. Day-Care-Operation -- The temporary care of children in a residence or structure on a regular recurring basis for pay or other valuable consideration, including but not limited to the furnishing of shelter, sustenance, supervision, education or other supportive services.

195. Dedication --- The deliberate appropriation of land by an owner for public use or purpose, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.
200. Deteterious Material --- Any substance which may cause harm to existing lifeforms with which it comes into contact. Substances used for gardening such as fertilizers or weed control, when applied as directed, are not considered to be deleterious in this Code.
205. Detention of Storm Water --- The physical entrapment of water occurring as a result of precipitation and the mechanically controlled release of the entrapped waters into the public storm drainage systems or into a stream or lake.
210. Development Activity --- Any work, condition or activity which requires a permit or approval under this Code or the Uniform Building Code.
215. Development Permit --- Any permit or approval under this Code or the Uniform Building Code that must be issued before initiating a use or development activity.
220. Differential Settlement --- The uneven downward movement of a structure into the soil layers or the uneven compaction of the soil layers.
225. Domestic Animal --- An animal which can be and is continually kept or raised in a home or on a farm.
230. Dredging --- Removal of earth and other materials from the bottom of a body of water or from a wetland.
235. Dredging Spoils --- The earth and other materials removed from the floor of a body of water or a wetland by the dredging process.
240. Driveway --- An area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.
245. Dry Land --- The area of the subject property landward of the high waterline.

250. Dwelling-Unit -- One or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.
255. Dwelling-Unit, Attached -- A dwelling unit that has one or more vertical walls in common with or attached to one or more other dwelling units or other uses and does not have other dwelling units or uses above or below it.
260. Dwelling-Unit, Detached -- A dwelling unit that is not attached or physically connected to any other dwelling unit or other use.
265. Dwelling-Units, Stacked -- A dwelling unit that has one or more horizontal walls in common with or adjacent to one or more other dwelling units or other uses and may have one or more vertical walls in common with or adjacent to one or more other dwelling units or other uses.
270. Easement -- Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.
275. Electrical-Sign -- A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.
280. Entrance-Driveway -- A driving surface which provides vehicular access to one parcel containing a use, other than a detached dwelling unit.
285. Equestrian -- Pertaining to horses and riders.
290. Erosion-and-Deposition -- The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.
295. Excavate(tion) -- The mechanical removal of soils and/or underlying strata.
300. Family -- An individual or two (2) or more persons of not more than four (4) degrees of affinity or consanguinity and including persons under legal guardianship, or a group of not more than five (5) persons who are not related by four (4) or less degrees of affinity or consanguinity.

305. Fast-Food-Restaurant --- An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table; and food is served in disposable wrappings or containers.
310. Fence --- A wall or barrier for the purpose of enclosing space or separating parcels of land.
315. Fill Material --- Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.
320. Finished Grade --- The final contour of the land surface prior to landscaping.
325. Floor --- The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.
327. Fuel-Price-Sign --- A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.
330. Glare --- The reflection of harsh, bright light, or "the physical effect resulting from high luminancies or insufficiently shielded light sources in the field of view".
335. Government Facility --- A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
340. Gross Floor Area --- The total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure. Exterior areas may constitute gross floor area. See Chapter 115 of this Code.
345. Ground Floor --- The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.
350. Ground-Mounted-Sign --- All of the following: pole signs, pedestal signs and monument signs.

- 355: Heat -- Added energy that causes substances to rise in temperature, fuse, evaporate, expand or undergo any other related change.
- 360: High-Density Residential Zones -- The following zones -- RM-2.4; RM-1.8; PLA-5-B, -C, -D; PLA-6-A; B, -D, -I, -K; PLA-7-B, -C; and PLA-9.
- 365: High-Waterline -- The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. -- High-Waterline shall be construed to be the same as Ordinary High-Water-Mark -- (OHWM); -- as defined in WAC 173-16-030(10).
- 370: Home-Occupation -- An occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit; and which is not an otherwise permitted use in the zone in which it is pursued.
- 375: Horizontal-Dimension -- The length of the facade of a structure as measured along a plane.
- 380: Hospital -- An institution specializing in giving clinical, temporary and/or emergency services of a medical or surgical nature to human patients, which is licensed by state law to provide such facilities and services and which entails services for which a patient may be confined within the institution for over 24 hours.
- 385: Hotel or Motel -- A single building or group of buildings containing individual sleeping units intended for transient occupancy.
- 390: Improvement -- Any structure or manmade feature.
- 395: Industrial Use -- The uses allowed in the industrial zones and not permitted in any other zones.
- 400: Industrial Zones -- LI; PLA-6-G; -H; and PLA-11.
- 405: Inner Harbor Line -- The line designated as such on the Official Zoning Map.
- 410: Institutional Uses -- The following uses: schools, churches, colleges, hospitals, parks, governmental facilities and public utilities.

- 415: Institutional-Zones -- The following zones: -- P, PLA-1 and PLA-12.
- 420: Instructional-Sign -- A sign which designates public information such as, but not limited to, public restrooms, public telephones, exitways and hours of operation.
- 425: Integrat-Sign -- A sign displaying a building date, monument citation, commemorative inscription or similar historic information.
- 435: Ionizing-Radiation -- Gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not sound or radio waves, nor visible, infrared or ultraviolet light.
- 440: Irrevocable-license -- A written irrevocable permission given by a property owner to the City for specified purposes.
- 445: Isolation -- When a use abuts or is directly across the street from high density or higher intensity uses, on at least three (3) sides.
- 450: Kennel -- An establishment, generally retail in nature, which, house, care for, breed, raise or sell dogs or cats.
- 455: Land-Surface-Modification -- The clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12, Kirkland Municipal Code, shall not be deemed to be land surface modifications.
- 460: Land-Use-Policies-Plan -- Ordinance 2346 as amended or, if repealed, its successor document, listing the goals and policies regarding land use within the City.
- 465: Landscaping -- The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.
- 470: Landward -- Toward dry land.

- 475.- Linear Frontage of Subject Property -- The frontage of the subject property adjacent or parallel to an open improved public right-of-way -- Frontage adjacent to I-405 is not applicable except for properties within FC-1, FC-1I, and PLA-10 zones.
- 480.- Lot -- A piece of land having a specific account number on the King County Assessor's Map.
- 485.- Low Density Use -- A detached dwelling unit on a subject property that contains at least 7,200 square feet.
- 490.- Low Density Zone -- The following zones: RS-35, RS-12.5, RS-8.5, RS-7.2, PLA-2, PLA-66 and WD-11.
- 491.- Low Income Household -- A household whose total gross income is less than or equal to 80% of the median household income in the Seattle Metropolitan Statistical Area. For low income senior citizen households, total assets shall not exceed the maximum established by the City Council.
- 492.- Low Income Unit -- A unit which contains a low income household. In addition, the rent for this type of unit shall not exceed 30% of the gross income of the eligible low income household.
- 495.- Major Stream -- All of the following: Forbes Creek, Juanita Creek, Cochran Creek, and Yarrow Creek.
- 500.- Marquee Sign -- Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.
- 505.- Master Plan -- A complete development plan for the subject property showing placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.
- 510.- Maximum Lot Coverage -- The maximum percentage of the surface of the subject property that may be covered with structures other than outdoor swimming pools or any other materials which will not allow for the percolation of water into the underlying soils -- If the subject property



~~contains more than one use, the maximum lot coverage requirements from the predominant use will apply to the entire development.~~

515: ~~Medium-Density-Use -- Detached, attached, or stacked dwelling units on a single property which contains at least 1,500 square feet per unit but not more than 7,000 square feet per unit.~~

520: ~~Medium-Density-Zones -- The following zones: RS-5.0; RM-3.6; WD-1; WD-2; PLD-3; PLD-5; F; G-3; and PLA-7-A.~~

525: ~~Mean-Sea-Level -- The level of mean high tide at zero tide as established by the Army Corps of Engineers.~~

527: ~~Mini-Day-Care-Center -- A day care operation with seven (7) to twelve (12) children at any one time.~~

530: ~~Minor-Lake -- Any lake shown on the Environmentally-Sensitive-Areas Map as adopted by the City Council and on file in the Planning Department, other than Lake Washington.~~

537: ~~Modify -- As used in Chapters 75, 120 and 125, the word modify means to allow or require a deviation from the provisions of this Code.~~

540: ~~Monument-Sign -- A sign higher than 1 foot above the average ground elevation which is attached to the ground by means of a wide base of solid appearance. These signs are composed of a sign face and a sign base. The width of the base must be equal to at least 33% of the height of the entire sign, and also must be equal to at least 80% of the width of the sign face. The height of the sign base must be at least 50% of the total sign height. The base and architectural detail must be of custom, style and materials consistent with the character of the primary structures. See Figure 13 in Chapter 180 of this Code for a graphic definition of a monument sign.~~

545: ~~Moorage-Facility -- A pier, dock, buoy or other structure providing docking or moorage space for waterborne pleasure craft.~~



550. Multi-Use Complex --- A group of the following: --- a group of separate buildings operating under a common name or management; or a single building containing multiple uses where there are specific entranceways for individual uses or groups of uses; or a group of uses on separate but adjoining properties that request treatment as a multi-use complex.
555. Natural Features --- Physical characteristics of the subject property that are not manmade.
560. Natural Materials --- Materials chemically unaltered from their natural state.
565. Noise --- The intensity, duration and character of sound from any and all sources.
570. Non-Conformance --- Any use, structure, lot, condition, activity or any other feature or element of private property or the use or utilization of private property that does not conform to any of the provisions of this Code or that was not approved by the City through the appropriate decision-making process required under this Code.
575. Occupant --- A person that legally occupies a structure.
580. Odor --- Stimulus affecting the olfactory nerves.
585. Off-Site directional Sign --- A sign which directs to a business or to merchandise, service, real estate, goods or entertainment which are sold, produced or furnished at a place within the City other than the property on which the sign is located.
590. Office Use --- A place of employment providing services other than production, distribution or sale or repair of goods or commodities. The following is a nonexclusive list of office uses: --- medical; dental or other health care; veterinary; --- accounting; --- architectural; engineering; consulting or other similar professional services; management; administrative, secretarial, marketing, advertising, personnel or other similar personnel services; sales offices where no inventories or goods are available on the premises; real estate; insurance; travel agent; brokerage or other similar services. --- The following uses are

~~specifically excluded from the definition of office:--banks,--loan--companies--and--similar financial institutions.~~

- 595.- ~~Office Zones -- The following zones: RR 5-D, RR 3-6, RR 2-4, RR 1-8, PLA 3, PLA 5-7, C, PLA 6-8, D, PLA 10-8, C, PLA 11, PLA 13B, 13-13A.~~
- 600.- ~~Official Newspaper of the City -- The publication designated by Ordinance or Resolution to contain official newspaper publications for City government.~~
- 605.- ~~Official Notification Boards of the City -- The bulletin boards in the public areas of City Hall and the Kirkland Public Library.~~
- 610.- ~~Open Space -- Land not covered by buildings, roadways, parking areas or surfaces through which water cannot percolate into the underlying soils.~~
- 612.- ~~Ordinary High Waterline -- This term has the same meaning as "High Waterline".~~
- 615.- ~~Oriented -- facing or directed towards.~~
- 620.- ~~Outdoor -- Not contained within a building.~~
- 622.- ~~Outdoor Storage -- Any material, including items for storage or sale, lease, processing and repair (including vehicles) not in an enclosed structure.~~
- 625.- ~~Outer Harbor Line -- The line designated as such on the Official Zoning Map.~~
- 630.- ~~Owner -- In reference to property, the person listed at the King County Assessor's Office as paying the property taxes on the subject property.~~
- 632.- ~~Parking Area -- Any area designed and/or used for parking vehicles.~~
- 635.- ~~Parking Space -- An area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.~~

640. Pedestal-Sign -- A sign that is no higher than 5 feet above average ground elevation and which is attached to the ground by means of one of two types of pedestal:

- a. a solid base; or
- b. at least two legs.

A type a pedestal sign shall be composed of a sign face and a sign base. The width of the base must be equal to at least 20% of the height of the entire sign, and also must be equal to at least 50% of the width of the sign face. The height of the sign base must be at least 20% of the total sign height and be of solid appearance.

A type b pedestal sign shall be composed of a sign face and of at least two supporting legs. The legs must be at least 4" in diameter or width. The space between the bottom of the sign face and the average grade elevation must equal at least 20% of the total sign height. See Plate 12 in Chapter 180 of this Code for a graphic depiction of pedestal signs.

645. Pedestrian-Oriented -- Pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.

650. Person -- Any individual, partnership, association, corporation, unit of government or any other legal entity.

655. Planning Department -- The Department of Community Development of the City of Kirkland.

660. Planning Director -- The Director of the Department of Community Development of the City of Kirkland or the acting Director of that department.

665. Planning Official -- The Director of the Department of Community Development or his/her designee.

670. Pole-Sign -- Any ground-mounted sign that does not meet the definitions of monument or pedestal signs and which is composed of two chief elements: the sign face and the sign pole or pylon which connects the sign face to the ground.

675. Political Sign -- A sign advertising a candidate for public office; a political party or a particular voting preference during a recognized election period.
680. Portable Outdoor Sign -- An outdoor sign that is not permanently attached to the ground or a structure.
685. Primary Vehicular Access -- The major street from which the majority of vehicles enter the subject property.
690. Private Advertising Sign -- A sign announcing an event, use or condition of personal concern to the sign user such as but not limited to "garage sale" or "lost dog".
695. Private Club -- An association of persons or organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
700. Private Notice Sign -- A sign announcing a restriction on a type of action on the subject property, such as but not limited to, "no trespassing" or "no dumping".
705. Private Roadway -- A road surface meeting certain city standards, privately owned either singly or cooperatively by the parcels served by the roadway and serving five (5) or more parcels or a lesser number of parcels which collectively produce more than 100 daily trip ends.
710. Private Traffic Direction Sign -- A sign on private property which provides information for vehicular movement while on the property.
715. Projecting Sign -- A sign, other than a wall-mounted or marquee sign, which is attached to and projects from a structure or building face.
720. Property Line -- Those lines on the King County Assessor's Map enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:
1. front property line is any property line that is adjacent to a street or easement more than 20 feet in width.

2. ~~Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street or easement 20 feet or less in width.~~
3. ~~Side property line is any property line other than a front property line or a rear property line.~~
4. ~~North property line is the property line running essentially east to west at the northern end of the lot.~~
5. ~~South property line is the property line running essentially east to west at the southern end of the lot.~~
6. ~~High Waterline --- this term is defined separately in this Chapter.~~
725. ~~Public Access --- A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.~~
727. ~~Public Access Pier or Boardwalk --- An elevated structure which is constructed waterward of the high waterline and intended for public use.~~
730. ~~Public Park --- A natural or landscaped area; provided by a unit of government; to meet the active or passive recreational needs of people.~~
735. ~~Public Services Director --- The Director of the Department of Public Services.~~
740. ~~Public Use Area --- A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.~~

745. Public Utility — A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, gas and transportation for persons and freight.
750. R.S. Driveway — A driving surface which serves one dwelling unit.
755. Radio Tower — A structure whose purpose or accessory purpose is the transmission of radio waves and the supporting structure for the transmission antenna or device.
760. Real Estate, Off-Site Sign — A sign that is readily removable announcing the proposed sale or rental of property or a building other than that upon which the sign is located and providing directions to the subject property.
765. Real Estate, On-Site Sign — A sign announcing the sale or rental of the property or building upon which the sign is located.
767. Regulated Slope — An average slope of 15% or greater when measured between any two five-foot contour intervals (see Plate 15).
768. Regulated Wetland — A wetland that serves one or more of the following: serves significant biological functions; serves significant drainage and sedimentation functions; shields other areas from wave action, erosion or storm damage; serves as valuable storage area for storm and flood waters; is a prime natural recharge area; serves significant water purification functions. Although a site specific wetland may not meet the criteria described above, it will be considered a regulated wetland if it is functionally related to another wetland that meets the criteria.
770. Replacement Cost — The current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition.

775. Required--Yard----Those--areas--adjacent--to--and interior--from--the--property--lines--and--involving the--following--designations--(if--two--required yards--are--coincidental;--the--yard--with--the greater--dimensions--shall--predominate):

1. Front:--That--portion--of--a--lot--adjacent--to and--parallel--with--any--front--property--lines and--at--a--distance--therefrom--equal--to--the required--front--yard--depth.
2. Rear:--That--portion--of--a--lot--adjacent--to and parallel--with--the--rear--property--line--and--at a--distance--therefrom--equal--to--the--required rear--yard--depth.
3. Side:--That--portion--of--a--lot--adjacent--to and parallel--with--the--side--property--line--and--at a--distance--therefrom--equal--to--the--required side--yard--depth.--All--yards--not--otherwise categorized--shall--be--designated--side--yards.
4. North-Property-Line-Yard:--That--portion--of--a lot--adjacent--to--and--parallel--with--the--north property--line--and--at--a--distance--therefrom equal--to--the--required--north--property--line yard--depth.
5. South-Property-Line-Yard:--That--portion--of--a lot--adjacent--to--and--parallel--with--the--south property--line--and--at--a--distance--therefrom equal--to--the--required--south--property--line yard--depth.
6. High-Waterline-Yard:--That--portion--of--a--lot adjacent--to--and--parallel--with--the--high waterline--and--at--a--distance--landward--therefrom--equal--to--the--required--high--waterline yard--depth.

780. Residential-Use----Developments--in--which--persons sleep--and--prepare--food;--other--than--developments used--for--transient--occupancy--

885. Residential-Zone----The--following--zones:--RS-35; RS-12.5; RS-8.5; RS-7.2; RS-5.0; RM-3.6; RM-2.4; RM-1.8; WD-I; WD-II; WD-III; PTA-2; PTA-5-A; D; E; PTA-6-A; G; F; I; J; K; PTA-7-A; B; C; PTA 9; PTA-15-A; and PTA-15-B.

0990. Restaurant or Tavern -- Commercial use (excluding fast-food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises.
- 795. Retail Establishment -- A commercial enterprise which provides goods or services directly to the consumer, and whose goods are available for immediate purchase and removal from the premises by the purchaser or whose services are traditionally not permitted within an office use.
- 800. Retention of Storm Water -- The collection of water, due to precipitation, in a given area and the dispersement of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.
- 805. Right of Way -- Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publically owned devices.
- 810. Right of Way Realignment -- The changing of the horizontal position of the right of way.
- 815. Roofline -- The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.
- 820. Runoff -- The overland or subsurface flow of water.
- 825. Schools -- Institutions of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.
- 830. SEPA -- The State Environmental Policy Act -- RCW 41.236.
- 832. Senior Citizen Household -- A household which consists of people, all of whom are age 62 or older.



835. Shared Access Points -- A common point-of-vehicle access from a right-of-way or vehicle access way for more than one parcel or use.
840. Shoreline Master Program -- The Ordinance of the City of Kirkland adopted under the authority of Chapter 90.58 R.C.W.
845. Sign -- Any communication device, structure, or fixture which is intended: -- to identify -- a building, use, business, or event; or to promote the sale of a product, goods, or service; using graphics, letters, figures, symbols, trademarks or written copy. -- Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs. -- If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.
850. Sign Area -- The entire area of a sign on which copy is to be placed. -- Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy are not included. -- Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign field containing the advertising message; provided, however, that individual letters using a wall as the background, without added decoration or change in wall color, have sign area calculated by measuring the perimeter enclosing each letter and totaling the square footage of these.
852. Sign field -- The background upon which the graphics, letters, figures, symbols, trademarks, or written copy of a sign are placed.
855. Significant Natural Area -- Any area containing a concentration of significant trees or an area of significant biological importance.
860. Significant Trees -- Any evergreen tree of eight (8) inches in diameter or greater, and any deciduous tree, other than red alder and cottonwood trees, twelve (12) inches in diameter or greater, measured one foot above the root crown.
865. Silt or Sediment -- The soil particles mobilized and deposited by the processes of erosion and deposition.

870. Single-Use-Building -- A building which contains one-user.
875. Sloping-Rip-Rap-Design --- Embankment-protection created--by--the--overlaying--of--rocks--over--a natural-embankment-or-over-a-cut-in-the-embankment,--and--designed-to-dissipate-waves-such-that any-deflected-waves-do-not-cause-harm-to-other embankments.
880. Small-Animals -- Dogs, cats, birds, small-exotic animals--(snakes,--gerbils,--mice,--guinea-pigs, etc.);--and--foxes,--bob-cats--and--similar-small wild-animals.
881. Soft-Compressible-Soils -- Soils-susceptible-to-a decrease-in-volume-when-subjected-to-load.
882. Solid-Screening-Fence --- A-uniformly-finished fence--at--least--6'-high--which--is--opaque--or perforated-provided-that-no-more-than-50-percent-of-the-face-is-open.
883. Special-Needs-Housing -- Housing-which-is-specifically--designed--and--maintained--to-meet-the needs--of--senior-citizen-households,--mentally, physically--or--emotionally--impaired--persons--or low-income-households.
884. Specified--anatomical--areas ----- Both--of--the following:
- 1: less--than--completely--and--opaquely covered:
    - a: Human-genitals, pubic-region;
    - b: buttocks;
    - c: breast--below--a--point--immediately above-the-top-of-the-areola;
  - 2: Human--male--genitals--in--a--discernibly turgid--state,--even--if--completely--and opaquely-covered.
885. Specified-sexual-activities -- All-of-the-following:
- 1: Human-genitals-in-a-state-of-sexual-stimulation-or-arousal;

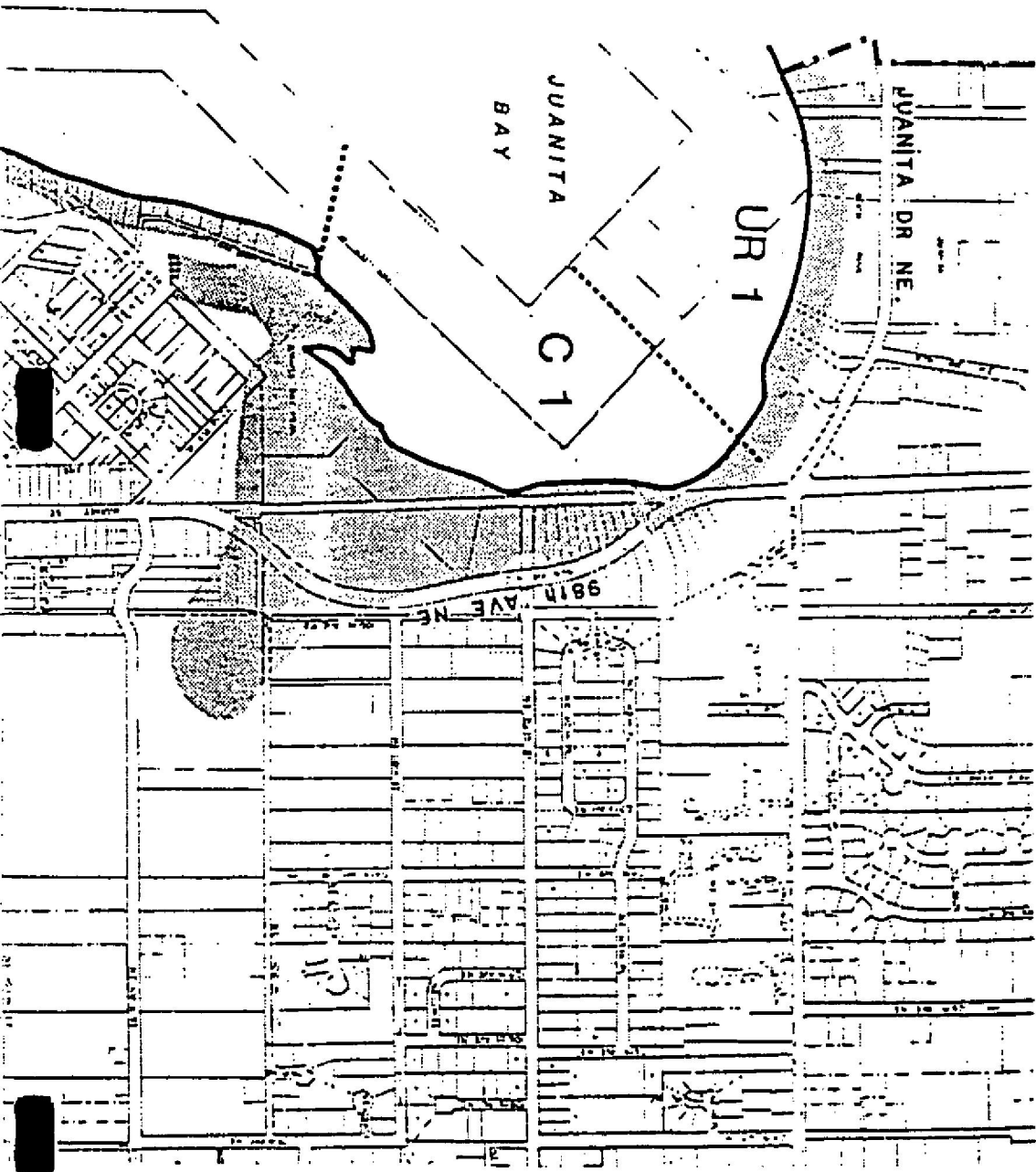
2. Acts-of-human-masturbation;-sexual-intercourse-or-sodomy;
3. Fondling-or-other-erotic-touching-of-human-genitals,-public-region,-buttock-or-breast.
886. Storm-Drainage---The-movement-of-water,-due-to-precipitation,-either---surificially---or---sub-surificially.
890. Story----The-area-between-and-including,-the-surface-of-a-floor,-the-ceiling-above-and-the-horizontal-supporting-members-for-the-ceiling.-If-the-floor-surface-is-on-average-not-more-than-6--feet--above--the--finished--grade,-the--area-between-the-floor-surface-and-the-ceiling-above-is-not-a-story.
895. Stream--A-course-or-route,-formed-by-nature-or-modified-by-man-and-generally-consisting-of-a-channel-with-a-bed,-banks,-or-sides-throughout-substantially--all--its--length,-along--which-surface-waters--naturally-and-normally-flow-in-draining-from-higher-to-lower-lands.
900. Street--A-right-of-way-or-a-private-roadway:-
905. Street-Providing-Direct-Vehicle-Access---The-street--from--which--a--vehicle--can--enter--the-subject--property--without--traversing--another-street-or-piece-of-property---In-the-case-of-a-multitusa-complex,-the-street-providing-direct-vehicular-access-is-the-exterior-street--that-borders-the-complex-and-not-an-internal-street-surrounded-by-the-complex.
910. Structure---Anything-which-is-built-or-constructed,-an-edifice-or-building-of-any-kind,-or-any-piece-of-work--artificially--built-up--or-composed--of--parts--joined--together--in--some-definite-manner.
915. Structural-Alterations---Any--change--in--the-supporting-member-of-a-building-or-structure.
920. Subject-Property---The-entire--lot,-series-of-lots-or-parcels-on-which-a-development-or-use-is-or-will-locate-and-that-is-otherwise-subject-to-the-provision-of-this-code.

- 923- Temporary-Commercial-Sign--A sign associated with a business; painted on a window or constructed of cloth, paper or similar flexible materials; readily removable; and displaying a temporary commercial message; but not including a real estate, on-site or real estate, off-site sign.
- 925- Topsoil--The uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.
- 930- Traffic-Control-Devices--Signs, signals, stripes and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.
- 935- Under-Marquee-Sign--A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.
- 940- Uniform-Building-Code--The Uniform Building and Related Codes as amended and adopted in Title 21 of the Kirkland Municipal Code.
- 945- Uniform-Sign-Code--The Uniform Sign Code as amended and adopted in Chapter 21.16 of the Kirkland Municipal Code.
- 955- Use--The nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in the Chapters 15 through 65 of this Code is a separate use.
- 960- Use-Zone--The zoning designations on the zoning map as follows:

-RS-35	-FCF	-PLA-4	-PLA-6-I-
-RS-12:5	-FC-11-	-PLA-5-A	-PLA-6-J-
-RS-8:5	-FC-111	-PLA-5-B	-PLA-6-K-
-RS-7:2-	-PO	-PLA-5-C	-PLA-7-A-
-RS-5:0-	-BN	-PLA-5-D	-PLA-7-B-
-RM-3:6-	-BC-	-PLA-5-E	-PLA-7-C-
-RM-2:4-	-CBD-A	-PLA-6-A	-PLA-8-
-RM-1:8-	-CBD-B-	-PLA-6-B-	-PLA-9-
-WB-1-	-CBD-C-	-PLA-6-C	-PLA-10-
-WB-11	-CBD-D-	-PLA-6-D-	-PLA-11-
-WB-111-			-PLA-12
-PR-5:0-	-L1-	-PLA-6-E-	-PLA-13-A
-PR-3:6-	-PLA-1-	-PLA-6-F	-PLA-13-B-
-PR-2:4-	-PLA-2	-PLA-6-G	-PLA-15-A-
-PR-1:8-			-PLA-15-B-
-PO-	-PLA-3	-PLA-6-H	-P-

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24.05.220 15



- 965. Vehicle Service Station --- A commercial use supplying petroleum products that are for immediate use in a vehicle.
- 970. Vehicle Storage Area --- An outside area which is used for the storage of operational vehicles.
- 975. Wall Sign --- A sign attached to and extending not more than eighteen (18) inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.
- 980. Waterward --- Toward the body of water.
- 985. Wetland --- Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- 990. Wholesale Trade --- A commercial establishment which sells to retail establishments.
- 995. Zones --- Use zones.
- 1000. Zoning Map --- The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

# LEGEND

- C 1      Conservancy Environment 1
- C 2      Conservancy Environment 2
- UM 1      Urban Mixed 1
- UM 2      Urban Mixed 2
- UR 1      Urban Residential 1
- UR 2      Urban Residential 2
- SR      Suburban Residential

 Shoreline Master Program  
Jurisdiction and  
Associated Wetlands \*

..... Environment Boundaries

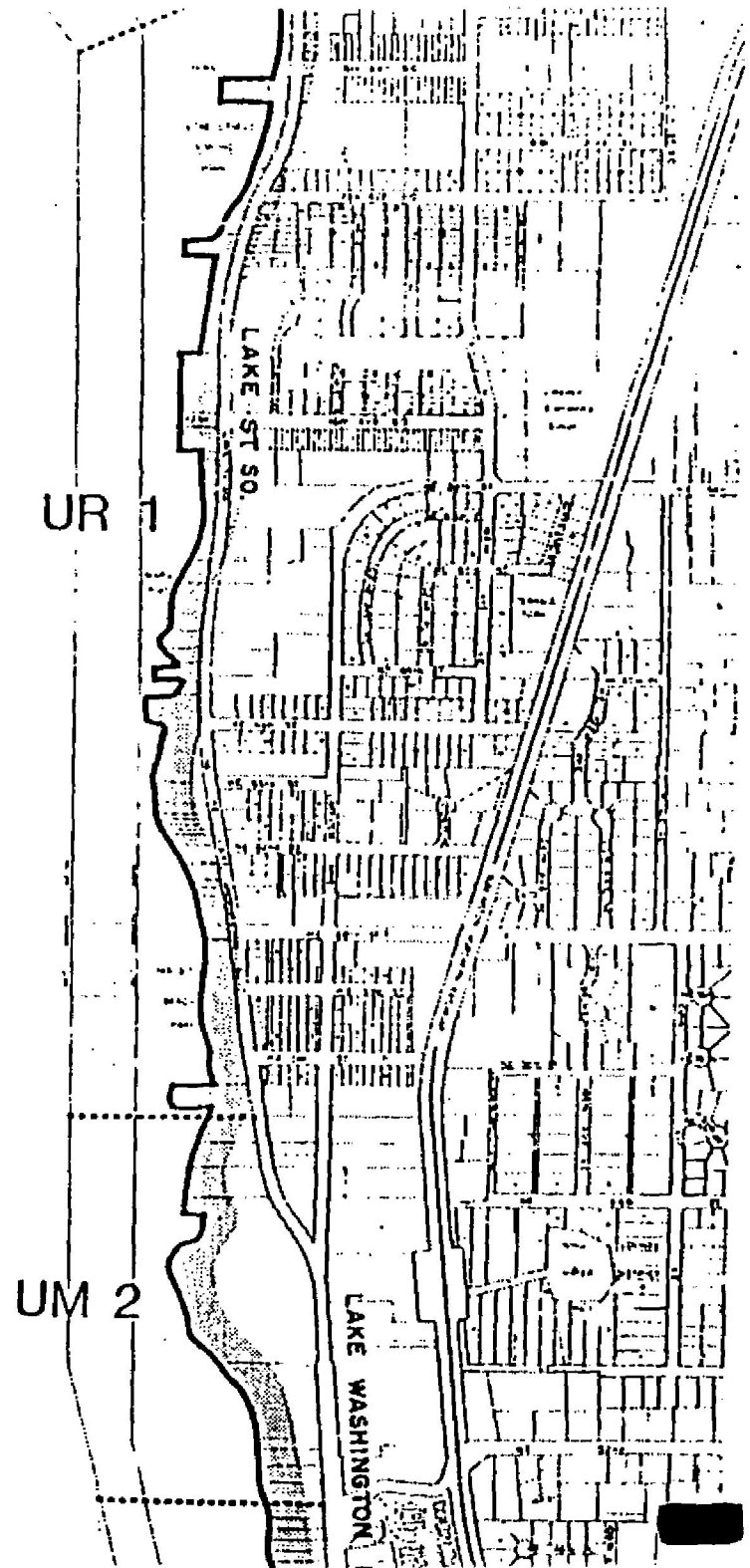
- - - - - City Limits

0      500      1000



feet

\* SMP Jurisdiction boundaries are approximate



LAKE  
WASHINGTON

SR

WATERWAY

LAKE AVE W

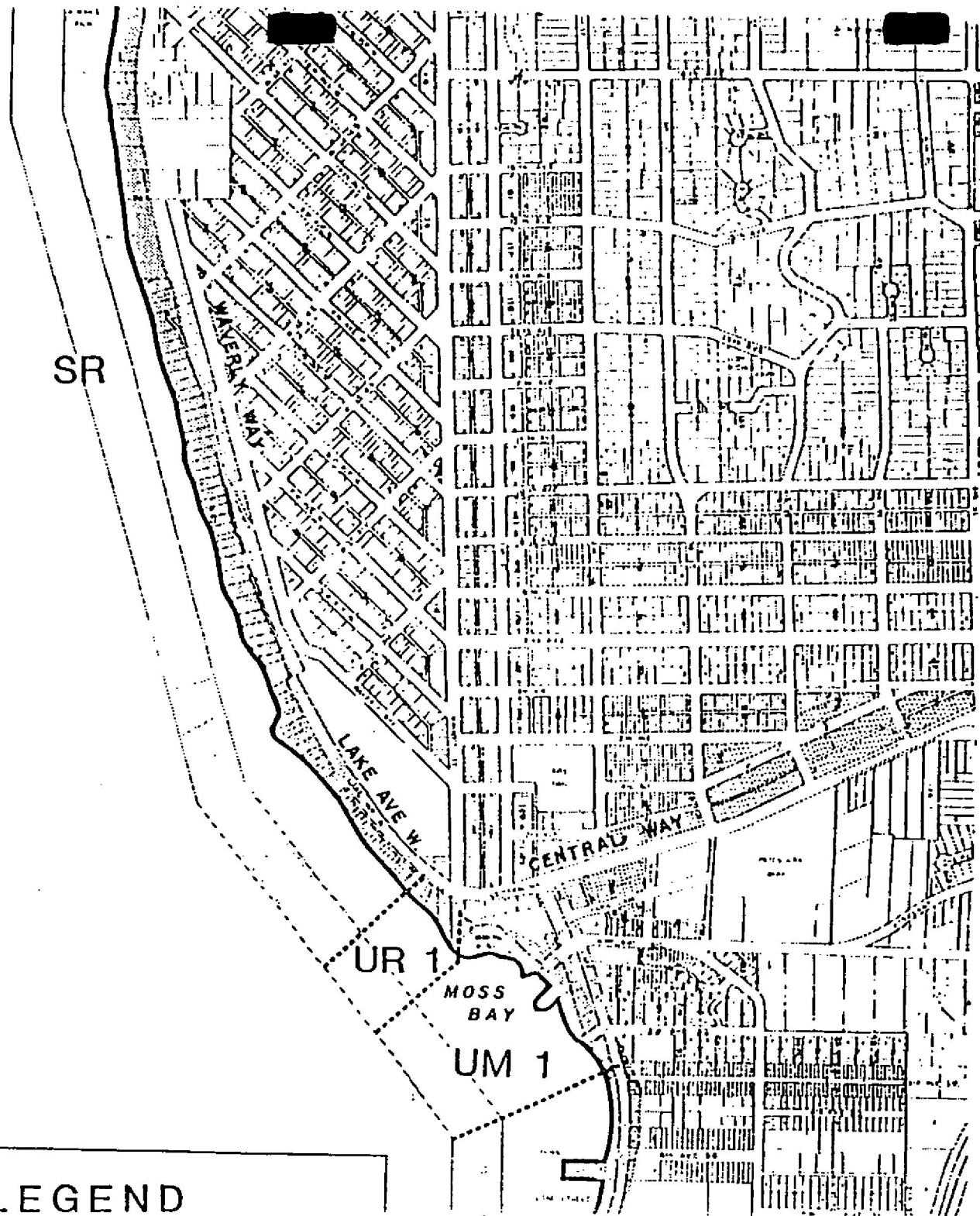
CENTRAL WAY

UR 1

MOSS  
BAY

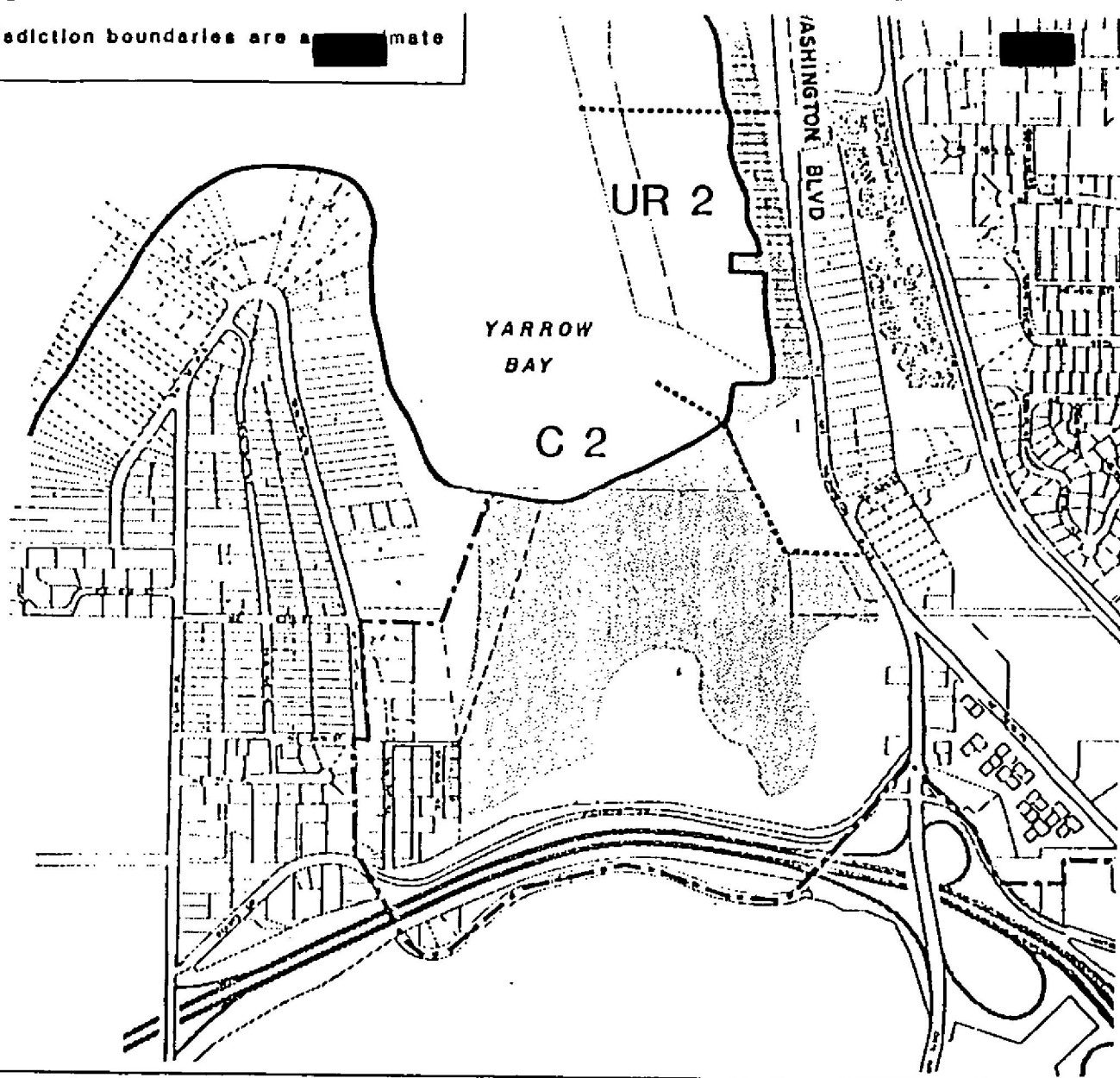
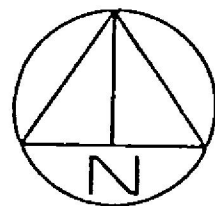
UM 1

LEGEND





\* BMP Jurisdiction boundaries are approximate

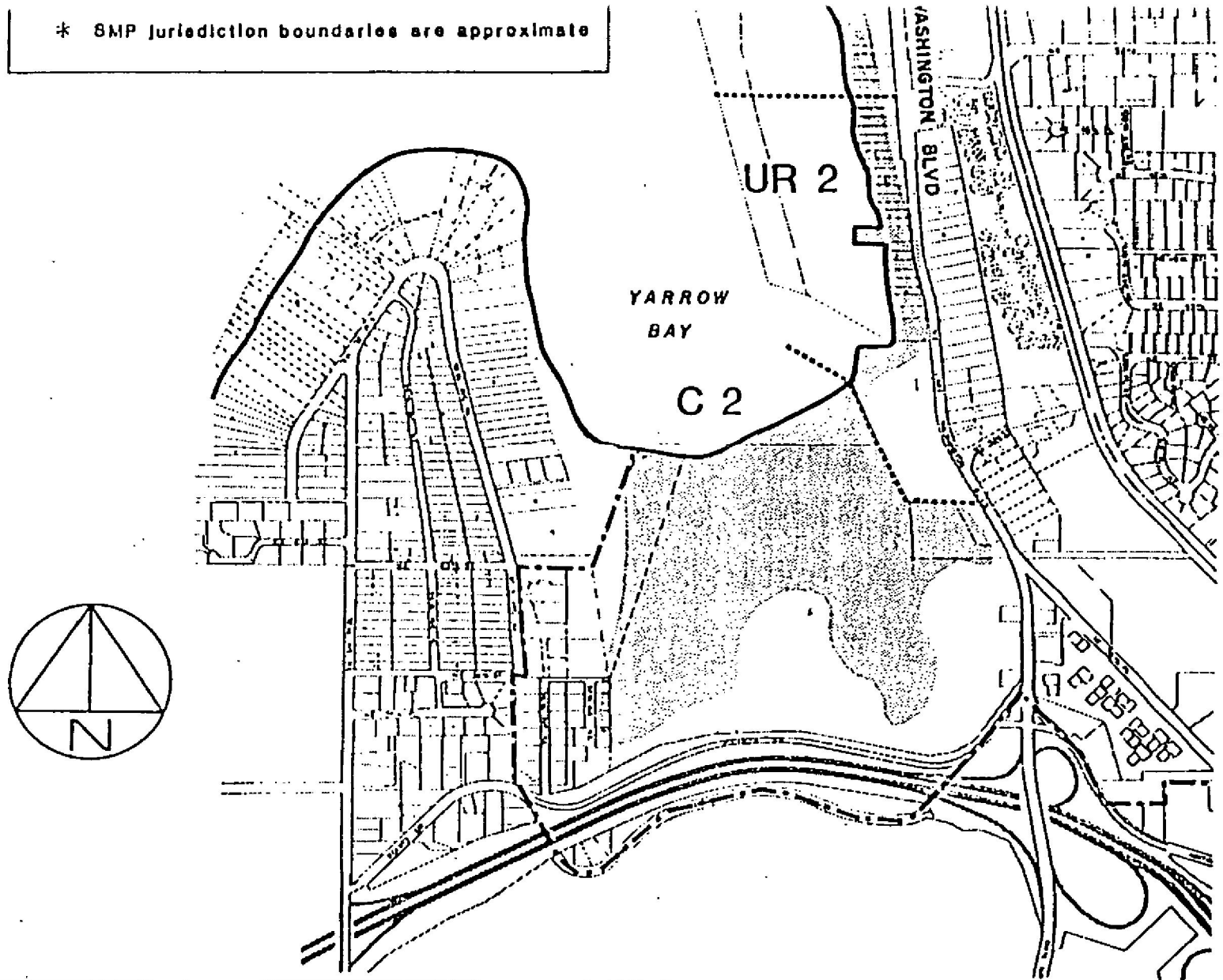


City of Kirkland

February, 1986 (Ordinance 2938)

SHORELINE ENVIRONMENTS AND JURISDICTION

\* SMP Jurisdiction boundaries are approximate



City of Kirkland

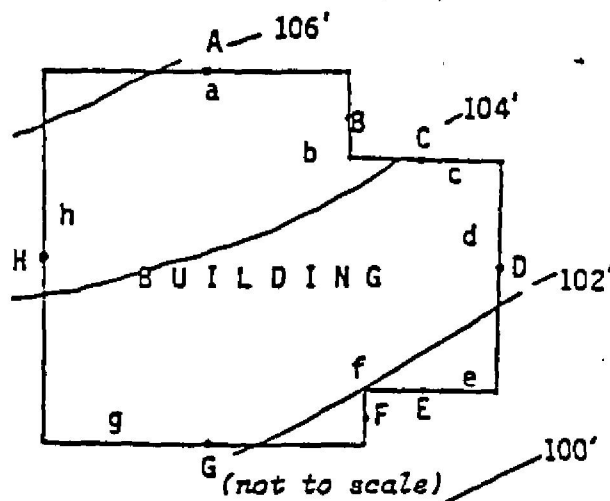
February, 1986 (Ordinance 2938)

SHORELINE ENVIRONMENTS AND JURISDICTION

24.05.2211

# Calculating Average Grade Level

A, B, C, D... Existing Ground Elevation at Midpoint of Wall Segment  
 a, b, c, d... Length of Wall Segment Measured on Outside of Wall



Midpoint Elevation	Wall Segment Length
A = 105.9'	a = 30'
B = 104.7'	b = 9'
C = 103.7'	c = 17'
D = 102.2'	d = 25'
E = 101.6'	e = 13'
F = 101.7'	f = 6'
G = 102.2'	g = 34'
H = 104.5'	h = 40'

## FORMULA

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) + (G \times g) + (H \times h)}{a + b + c + d + e + f + g + h} = \text{Avg. Bldg. Elev.}$$

## EXAMPLE

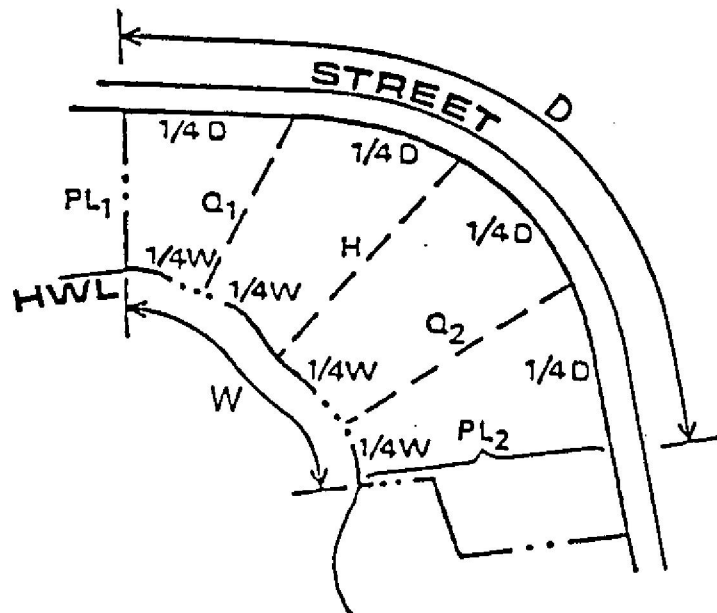
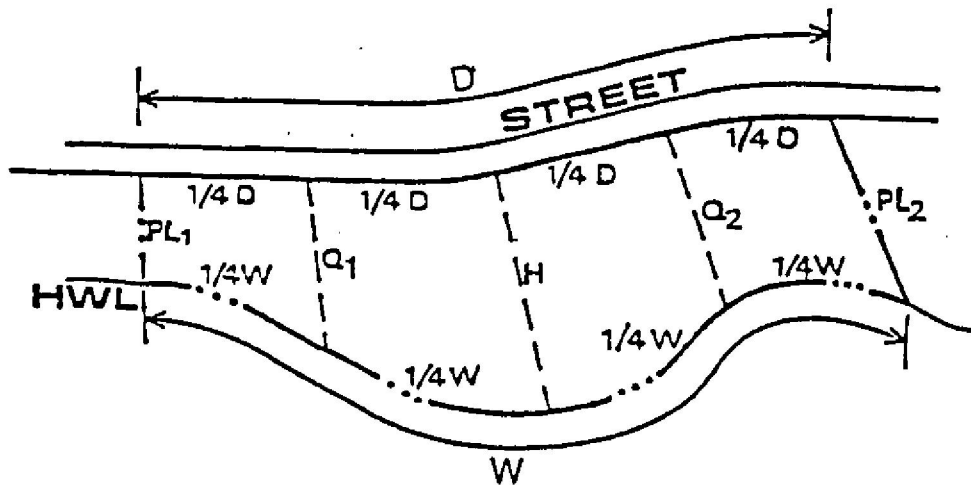
$$\frac{(105.9)(30) + (104.7)(9) + (103.7)(17) + (102.2)(25) + (101.6)(13) + (101.7)(6) + (102.2)(34) + (104.5)(40)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 40}$$

$$\frac{18023}{174} = 103.6'$$

NOTE: PLEASE INCLUDE THE ELEVATION OF THE RIDGE OF THE ROOF ON THE SITE PLAN AND/OR INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE GRADE LEVEL (CALCULATED ABOVE) STRIDES THE BUILDING (Amended 11/7/84).

# Calculating Average Parcel Depth

$$\text{Average Parcel Depth} = \frac{PL_1 + Q_1 + H + Q_2 + PL_2}{5}$$



24.05.23 0

LAKE WASHINGTON REGIONAL CITIZENS ADVISORY COMMITTEE  
TECHNICAL COMMITTEE

**LAKE WASHINGTON  
REGIONAL SHORELINE  
GOALS AND POLICIES**  
OCTOBER 31, 1973

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## INTRODUCTION

The purpose of this study is three-fold:

- 1) These goals and policies will provide guidelines to local jurisdictions in the preparation of their Master Programs.
- 2) These goals and policies, once adopted by the Department of Ecology, will be used in appraising Master Programs submitted by the eleven jurisdictions bordering Lake Washington.
- 3) These goals and policies will provide a basis for evaluating applications for shoreline permits on Lake Washington until such time as local Master Programs have been reviewed and implemented.

The State of Washington Shoreline Management Act of 1971 recognizes that the shorelines of the state are among our most valuable and fragile natural resources and directs all local governments to develop a Master Program for the management of these shorelines. The Law specifies that all lakes over 1000 acres in surface area are Shorelines of Statewide Significance. Lake Washington is such a shoreline and in our planning we must, as the Shoreline Management Act specifies, provide for uses in the following order of preference: those which

- 1) Recognize and protect the state-wide interest over local interest;
- 2) Preserve the natural character of the shoreline;
- 3) Result in long term over short term benefit;
- 4) Protect the resources and ecology of the shoreline;
- 5) Increase public access to publicly owned areas of the shoreline;
- 6) Increase recreational opportunities for the public in the shoreline;
- 7) Provide for any other element deemed appropriate or necessary.

The Final Guidelines to the Shoreline Management Act provide additional criteria with respect to Master Programs, the natural systems, and use activities. Some guidance in shoreline planning is also offered in the Federal Water Pollution Control Act of 1972, the National Environmental Policy Act of 1969, the State Environmental Policy Act of 1971, and other legislation pertaining to the use of shorelines.

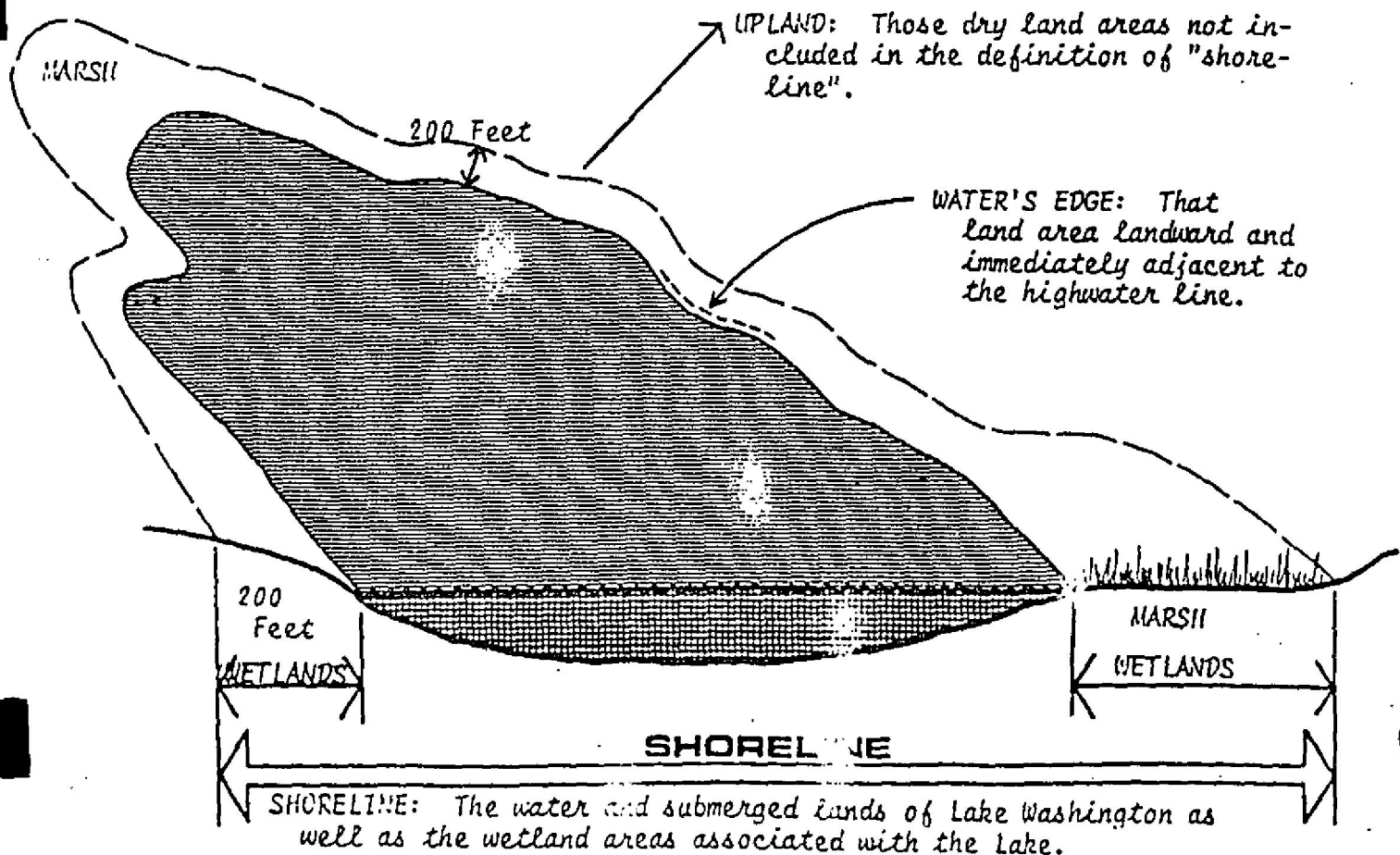
Under Emergency Rules the Department of Ecology has designated Lake Washington as a "region" for the purpose of shoreline planning. In response, each local government has sent representatives to serve on a Technical Committee and has appointed citizens to sit on a Regional Citizens Advisory Committee. These two Committees have worked together to develop goals and policies for the future of the Lake.



Beginning in late April, 1973, the Regional Citizens Advisory Committee has met on a near weekly basis to meet an October deadline. The early meetings were informational in nature, but since June the Committee has met to review and modify preliminary goal and policy statements submitted by the Technical Committee. The responsibilities of the Technical Committee included gathering information, drafting preliminary goal and policy statements, and responding to requests from the Regional Citizens Advisory Committee. The meetings of both Regional Committees were open to the public.

The Technical Committee also contacted regional, state and federal agencies. These agencies supplied the Regional Committees with pertinent information and also commented extensively on preliminary goal and policy statements in terms of their interests and jurisdiction. As a final step in the preparation of this document, public hearings were held in mid-October.

**WETLANDS:** Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from ordinary high water mark, and all marshes, bogs, swamps, floodways, deltas and floodplains designated by the Department of Ecology as wetland areas.



## PROLOGUE

To the early developers who built metropolitan Seattle, Lake Washington was perceived as a utilitarian resource. During the past hundred years the Lake has been utilized for transportation, agricultural and domestic water supplies, waste disposal, and numerous types of commercial and industrial enterprises. Many of these activities had adverse impacts on the Lake, and the discharge of sewage eventually led to serious problems with respect to water quality. In response to the rapidly declining quality of Lake Washington, the public voted to create the Municipality of Metropolitan Seattle (METRO) for the purpose of treating sanitary sewage and diverting its discharge from the Lake to Puget Sound. Today the Lake is once again suitable for swimming and other recreational activities.

Many of the functions previously related to the Lake are now met by other means. The region's water supply is from rivers, one of which feeds into Lake Washington. Sanitary sewers have been diverted and measures are being taken to minimize further pollutants from entering the Lake. Water-borne transportation has been largely replaced by an extensive road network around and across the Lake. Also, commercial and industrial uses of the Lake have declined in recent years. In contrast, the use of Lake Washington for leisure activities has increased. The vast majority of the Lake is presently used for residential or recreational purposes. Thus, the future of Lake Washington may be quite different from the expectations of its early developers.

## INTENT

The Lake Washington Regional Citizens and Technical Committees recognize that the shoreline of Lake Washington is a valuable and fragile natural resource and that there is great concern throughout the region relating to its utilization, protection, restoration, and preservation. They further recognize that unrestricted construction on the shoreline of Lake Washington is not in the best public interest, while at the same time recognizing and protecting private property rights consistent with the public interest. In addition they recognize that the shoreline of Lake Washington is located within a major urbanized area and is subjected to ever increasing pressures of additional uses necessitating increased coordination in the management and development of said shoreline. There is a clear and urgent demand for a planned, rational and concerted effort to insure coordinated and optimum utilization of the shoreline of Lake Washington.

The Lake Washington Regional Citizens Advisory Committee felt strongly that the order of preference for shoreline development should be evaluated according to the following considerations:

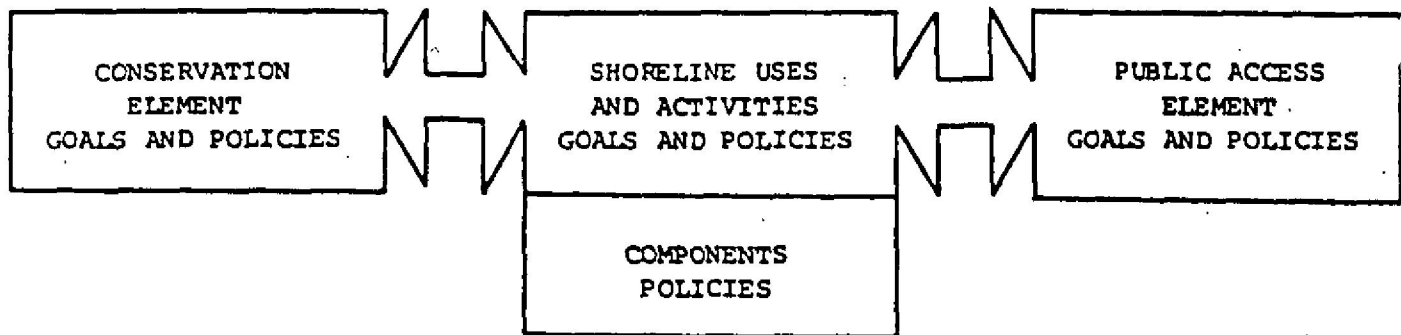
- 1) Conservation of marshes, spawning grounds and other unique or fragile aquatic and wildlife habitats is of primary concern.
- 2) It is important that the public have ample access to the shoreline.
- 3) Of the uses and activities, water-oriented recreation is deemed the most appropriate and desirable.

Planning and usage of Lake Washington's shoreline should reflect these priorities.

This study should be read in its entirety and be considered as a whole. The goals and policies of this study were developed with the above priorities in mind, and should be used as such. The goals and policies within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are intended by the Committees to be applicable in all cases.

## **PRIMARY GOAL**

THE NATURAL AMENITIES AND RESOURCES OF LAKE WASHINGTON ARE TO BE CONSERVED IN A PREDOMINANTLY RECREATIONAL/RESIDENTIAL ENVIRONMENT WITH ADEQUATE ACCESS AVAILABLE TO THE PUBLIC.



THE NATURAL AMENITIES AND RESOURCES OF LAKE WASHINGTON ARE TO BE CONSERVED...

...IN A PREDOMINANTLY RECREATIONAL/RESIDENTIAL ENVIRONMENT...

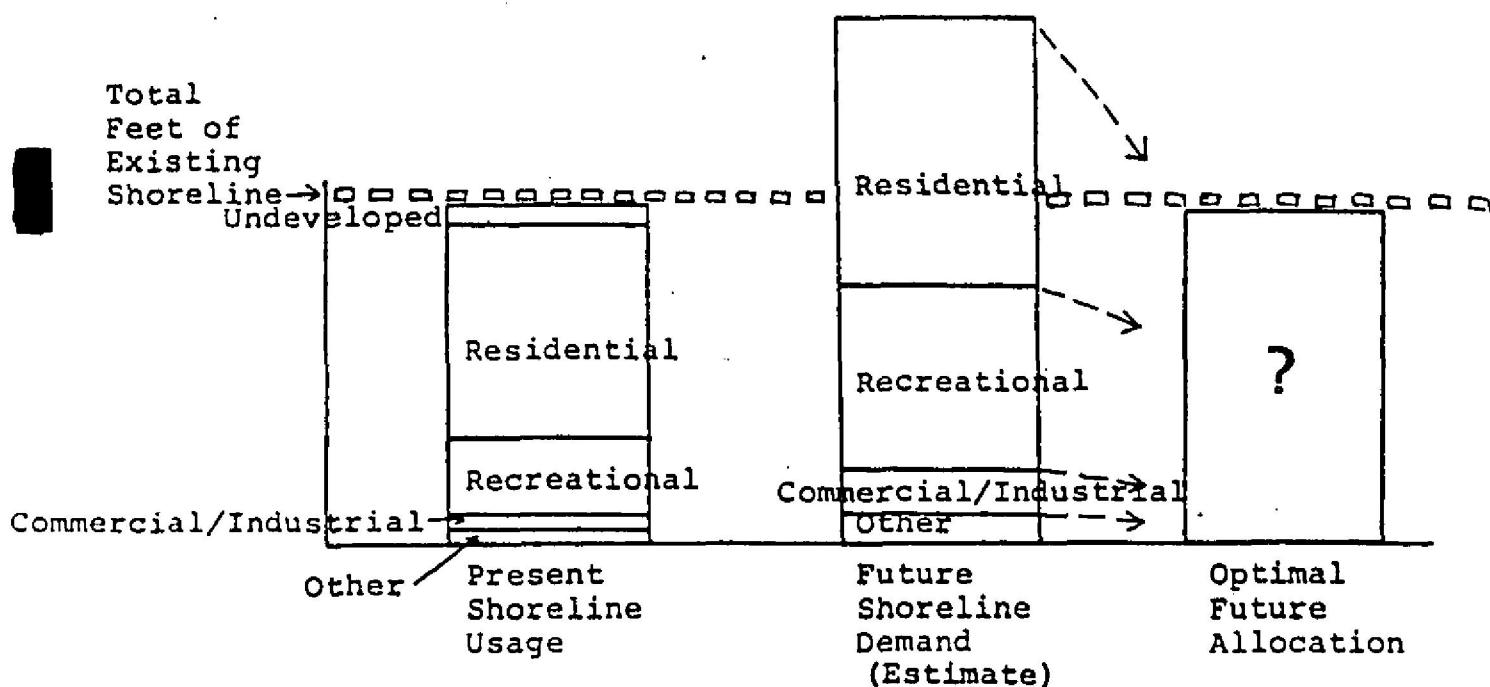
...WITH ADEQUATE ACCESS AVAILABLE TO THE PUBLIC.

The regional goals established by the Committees are listed below in order of preference:

- THE SHORELINE OF LAKE WASHINGTON IS TO PLANNED AND COORDINATED TO AFFORD OPTIMAL USE OF THE LIMITED WATER RESOURCE.
- THE SHORELINE OF LAKE WASHINGTON IS TO PROVIDE NATURAL AMENITIES WITHIN AN URBAN ENVIRONMENT.
- THE RESOURCES AND AMENITIES OF LAKE WASHINGTON ARE TO BE PROTECTED AND PRESERVED FOR USE AND ENJOYMENT BY PRESENT AND FUTURE GENERATIONS.
- INCREASE PUBLIC ACCESS TO AND ALONG THE SHORELINE AREAS, PROVIDED PUBLIC SAFETY, PRIVATE PROPERTY RIGHTS, AND UNIQUE OR FRAGILE AREAS ARE NOT ADVERSELY AFFECTED.
- WATER-DEPENDENT RECREATIONAL ACTIVITIES AVAILABLE TO THE PUBLIC ARE TO BE ENCOURAGED AND INCREASED ON THE SHORELINE OF LAKE WASHINGTON WHERE APPROPRIATE AND CONSISTENT WITH PUBLIC INTEREST.
- EXISTING RESIDENTIAL USES ARE TO BE RECOGNIZED AND NEW RESIDENTIAL CONSTRUCTION WILL BE SUBJECT TO CERTAIN LIMITATIONS IF APPLICABLE.
- EXISTING ECONOMIC USES AND ACTIVITIES ON THE SHORELINE OF LAKE WASHINGTON ARE TO BE RECOGNIZED, WHILE ECONOMIC USES OF ACTIVITIES THAT ARE NOT DEPENDENT ON A LAKE WASHINGTON LOCATION ARE TO BE DISCOURAGED.
- A BALANCED TRANSPORTATION SYSTEM FOR MOVING PEOPLE AND GOODS IS TO BE ENCOURAGED WITHIN EXISTING CORRIDORS.

# SHORELINE USES AND ACTIVITIES

The diagram below indicates that present usage of the Lake is primarily residential/recreational in character (unlike neighboring Lake Union which is used predominantly for commercial and industrial purposes). As the population of the region grows, demands for shoreline use on Lake Washington are expected to increase. At some future time this demand is likely to exceed the existing supply of the Lake's shoreline. To date no comprehensive land or water use management plans have been prepared to regulate the proliferation of shoreline development on Lake Washington. This document is intended to provide criteria to assist in determining the optimal mix of shoreline uses.



PRESENT AND FUTURE DEMAND PROFILE FOR  
LAKE WASHINGTON'S SHORELINE

## GOALS

THE SHORELINE OF LAKE WASHINGTON IS TO BE PLANNED AND COORDINATED TO AFFORD OPTIMAL USE OF THIS LIMITED RESOURCE.

THE SHORELINE OF LAKE WASHINGTON IS TO PROVIDE NATURAL AMENITIES WITHIN AN URBAN ENVIRONMENT.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. Reasonable and appropriate shoreline uses and activities should be planned for.

- a) Short-term economic gain or convenience in development should be evaluated in relationship to potential long-term effects on the shoreline.
- b) Preference should be given to those uses or activities which enhance the natural amenities of the Lake and which depend on a shoreline location or provide public access to the shoreline.
- c) Planning, zoning, capital improvements and other policy and regulatory standards should not increase the density or intensity of shoreline uses or activities except on a demonstrated need considering the entire Lake Washington shoreline and then only in accordance with the policies contained herein,
- d) Shorelines particularly suited for a specific appropriate water-dependent use or activity should be planned for and designated.
- e) Multiple-use of shorelines should be planned where location and integration of compatible uses or activities are feasible.
- f) Aesthetic values must be considered when evaluating new development, redevelopment of existing facilities or for general enhancement of shoreline areas.
- g) Shoreline uses and activities should be discouraged if they are objectionable due to noise or odor or if they create offensive or unsafe conditions in relation to reasonable and appropriate uses and activities.

**NATURAL AMENITY:**  
An assemblage of natural elements such as climate, land and water as well as plant and animal life which leads to feelings of comfort, pleasure or joy.

**MULTIPLE USE:**  
The combining of compatible uses within one development. The major use or activity must be water-dependent. The major use or activity must be in terms of both dollar value and commitment of land.

2. Existing shoreline uses or activities identified as being inappropriate should be encouraged to relocate away from the shoreline.
3. Uses and activities in unique or fragile shoreline areas should be discouraged unless measures can be satisfactorily undertaken to mitigate all related adverse impacts.
4. Sufficient amounts of open space should be distributed along the shoreline to provide nearby recreational opportunities for the general public.
5. Shoreline uses or activities not specified in this document should be consistent with the intent of the goals and policies stated herein.

#### UNIQUE OR FRAGILE AREAS:

Those portions of the shoreline which

- 1) contain or substantially contribute to the maintenance of endangered or valuable forms of life, or
- 2) contain steep slopes, marshes, or other areas having unstable or potentially hazardous topographic, geologic or hydrologic features, or
- 3) have significant historical, cultural, scientific or educational value.

#### OPEN SPACE:

A land area allowing view, use or passage which is almost entirely unobstructed by buildings, paved areas or other man-made structures.

## RECOMMENDATION

Local governmental agencies should formulate programs for the relocation of inappropriate uses and activities. The use of public funds, trading of other public lands where feasible, or other incentives should be considered when necessary to accomplish this objective.



## CONSERVATION ELEMENT

According to the Shoreline Management Act, three of the highest priorities for Shorelines of Statewide Significance are to a) preserve the natural character of the shoreline; b) result in long term over short term benefit; and c) protect the resources and ecology of the shoreline. Although some natural resources are non-renewable in character, Lake Washington is a unique biological, economic and recreational resource which can be managed in a way to make its assets continually available to the region and the state.

Human activities have either directly or indirectly influenced the Lake's entire shoreline. However, approximately 7 percent of the water's edge is presently undeveloped. Some areas (tributary outlets, marshes, embayments, wooded areas and others) have remained in a somewhat natural condition. As the population of the region increases, the pressures to develop these natural areas will intensify. But the costs involved in preparing some of these sites for development may be high due to soil or hydrologic conditions. There may be greater long term value in preserving these areas for purposes of open space within an urbanizing region. Often these areas are also important habitats for fish and wildlife.

Conservation efforts are not directed solely toward undeveloped areas. Activities on the shoreline or within the drainage basin may adversely affect water quality, aquatic life or other resources of the Lake. Long range planning should seek to minimize such adverse impacts.

The concept of conservation should also apply to structures or areas worth preserving for their historical, cultural, educational or scientific value. The use of some areas, either on a temporary basis for special events or festivals, or more permanent facilities reflecting our past or enhancing our future, are considered as reasonable and appropriate.



## GOAL

THE RESOURCES AND AMENITIES OF LAKE WASHINGTON ARE TO BE PROTECTED AND PRESERVED FOR USE AND ENJOYMENT BY PRESENT AND FUTURE GENERATIONS.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. Existing natural resources should be conserved.
  - a) Aquatic habitats, particularly spawning grounds, should be protected, improved and, if feasible, increased.
  - b) Wildlife habitats should be protected, improved and, if feasible, increased.
  - c) Unique and fragile areas should be so designated and maintained. Access and use should be restricted if necessary for the conservation of these areas.
  - d) Water quality should be maintained at a level to permit recreational use (especially swimming), provide a suitable habitat for desirable forms of aquatic life, and to satisfy other required human needs.
2. Existing and future activities on Lake Washington or its shoreline should be designed to minimize adverse effects on the natural systems.
3. Uses or activities within all drainage basins related to Lake Washington should be considered as an integral part of shoreline planning.
  - a) Excessive soil erosion and sedimentation and other polluting elements should be prevented from entering and adversely affecting the Lake and its constituent watercourses.
  - b) The destruction of watercourses feeding into Lake Washington should be discouraged.
4. Shoreline areas having historical, cultural, educational or scientific value should be protected and restored.
  - a) Public and private cooperation should be encouraged in site preservation and protection.
  - b) Suspected or newly discovered sites should be kept free from intrusions until their value is determined.

- c) Festivals and temporary uses involving public interest and not substantially or permanently impairing water quality or unique and fragile areas could be permitted.

## RECOMMENDATIONS

1. Since the shorelines are valuable and fragile resources, local governments should designate environments and use regulations to minimize man-made intrusions on the shoreline. Conservancy environments should be designated where the natural conditions so indicate.
2. Discharge of sewage, waste, rubbish and litter from boats on Lake Washington should not be permitted. Pumping and tank facilities for the discharge of sewage, waste, rubbish and litter from boats equipped with marine toilets and/or galleys, should be provided in all new marinas or public moorages.
3. Comment should be solicited from METRO concerning proposed activities affecting water quality in Lake Washington or its tributaries.
4. Local governments should contact the following agencies to determine which sites should be preserved as historical/cultural areas: Historical Society, State Parks and Recreation Commission (Office of Archaeology and Historic Preservation), and local educational institutions including the University of Washington.

## **PUBLIC ACCESS ELEMENT**

The waters of Lake Washington are in the public domain and should be readily accessible to the public. As the population around Lake Washington grows there will be an increasing need for public access to the shoreline. The Shoreline Management Act and the Final Guidelines make repeated reference to the issue of public access to the shoreline. In accordance with the Act, a public access element has been included in this study. However, this situation is not unique to Lake Washington, and other planning effort have addressed this challenge in a variety of ways.

The intent of the Shoreline Management Act and these goals and policies is not to reduce unlawfully the rights attached to private property or to condone trespass, but rather to recognize and protect private property rights consistent with the public interest. The public access requirements of this section are inapplicable to single family residences.

## GOAL

INCREASE PUBLIC ACCESS TO AND ALONG THE SHORELINE AREAS, PROVIDED PUBLIC SAFETY, PRIVATE PROPERTY RIGHTS, AND UNIQUE OR FRAGILE AREAS ARE NOT ADVERSELY AFFECTED.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Public access to and along the water's edge should be consistent with the public safety, private property rights, and conservation of unique or fragile areas.</li> <li>2. Public access to and along the water's edge should be available in publicly owned shoreline areas.</li> <li>3. Provisions should be made for public access to and along the water's edge in new substantial shoreline developments.</li> <li>4. In new developments on the shoreline, the water's edge should be kept free of buildings.</li> <li>5. When substantial modifications or additions are proposed to substantial developments the developer should be encouraged to provide for public access to and along the water's edge if physically feasible.</li> <li>6. Where shoreline areas are available for public pedestrian and bicycle pathways, these should be developed as close to the water's edge as reasonable.</li> <li>7. Views of the shoreline and water from shoreline and upland areas should be preserved and enhanced. Enhancement of views shall not be construed to mean excessive removal of vegetation.</li> <li>8. Rights-of-way on the shoreline should be made available for public access where appropriate.</li> <li>9. Access onto shoreline public street ends should be enhanced.</li> </ol> | <p><b>PUBLIC ACCESS:</b><br/> <i>A means of physical approach to and along the shoreline available to the general public. Public access may also include visual approach.</i></p> <p><b>RIGHTS-OF-WAY:</b><br/> <i>Strips of land used for purposes of transportation or utility systems.</i></p> |
|---|---|

## RECOMMENDATION

Public Access should be designed with provisions for handicapped and disabled persons.

# RECREATION ELEMENT

Water-dependent recreation accounts for a high proportion of all recreational activity in the Pacific Northwest. Recreational uses, both public and private, currently occupy approximately 20 percent of Lake Washington's wetland area. The Lake itself is widely used by boaters, waterskiers, swimmers and fishermen. In recent years the sockeye salmon run in Lake Washington has become the largest in the state resulting in a unique salmon fishery. Aquatic biologists also indicate that Lake Washington's warm water fishery (bass, crappie, perch, bullhead, etc) is one of the best in the state. However, these species represent an underutilized resource due to the current preference for salmonids in the Pacific Northwest.

Recreational needs are expected to increase with the growth of the regional population. As the work week shortens and disposable personal income increases, this demand for recreational opportunities is expected to rise even faster than population growth. A comprehensive study by the Interagency Committee for Outdoor Recreation further indicates the importance of water-dependent recreation in the State of Washington. The highest priority among a lengthy list of local agency priorities is "acquisition of shorelines in urbanized areas where the resource is environmentally endangered or is in danger of being lost to other uses." (see Washington Statewide Comprehensive Outdoor Recreation and Open Space Plan, Volume I).

## GOAL

WATER-DEPENDENT RECREATIONAL ACTIVITIES AVAILABLE TO THE PUBLIC ARE TO BE ENCOURAGED AND INCREASED ON THE SHORELINE OF LAKE WASHINGTON WHERE APPROPRIATE AND CONSISTENT WITH THE PUBLIC INTEREST.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. Water-dependent recreational activities should be increased and given priority.
  - a) Public shoreline parks should be increased in size and number.
  - b) Additional public swimming areas should be developed on the shoreline.
  - c) Recreational fishing should be maintained or increased.
  - d) Recreational boating activities should be encouraged as long as they are compatible with other uses.

### RECREATION:

The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active such as boating, fishing, swimming, (continued).

RECREATION: (continued) on the experience may be gained, such as enjoying the natural beauty of the shoreline or its wildlife.

2. Opportunity for passive forms of recreation and open space should be encouraged and increased.
3. Commercial and industrial shoreline users should be encouraged to incorporate recreational activities into the shoreline area.
4. Based on an acquisition plan with clear public intent, the appropriate governmental agency should avail itself of the earliest opportunity to acquire shoreline when available.
5. Local jurisdictions and other appropriate governmental agencies should join in a cooperative effort to expand recreational opportunities through programs of acquisition, development, and maintenance of waterfront areas.
6. Semi-public water-dependent recreational facilities (e.g. private beach clubs, yacht clubs, etc.) should be recognized as providing limited access to the water since they relieve some pressures in public areas.

## RECOMMENDATIONS

1. Interest in fishing for bass, perch, crappie, and other under-utilized species should be stimulated through education and public relations.
2. A regional shoreline park and open space plan should be formulated within a reasonable period of time.
3. The development of underwater areas for skin or SCUBA diving should be considered.
4. Rental of equipment and instruction for water-dependent recreational activities should be encouraged on the shoreline of Lake Washington.
5. Local jurisdictions and other governmental agencies should undertake a study to determine the optimum level of boating activity on Lake Washington. The use of hand carried or nonmotorized boats should be considered as a means of minimizing problems associated with safety, noise, and induced waves.
6. Early efforts should be made to suitably develop presently held public shoreline for water-dependent public recreational uses and open space.

## RESIDENTIAL ELEMENT

Residential development presently accounts for nearly two-thirds of Lake Washington's wetland area. Single-family dwellings comprise the majority of this use. The Shoreline Management Act specifically excludes individual homes in the permit process, but the Act does not exclude other types of residential development, such as multi-family structures or residential subdivisions. The Act further states that master programs shall include elements not specified in the Act when it is deemed appropriate or necessary to do so. Due to the predominance of residential uses on Lake Washington's shoreline, this section has been included as a program element. Except as specified in this element, public access requirements are inapplicable to individual single family residences.

## GOAL

EXISTING RESIDENTIAL USES ARE TO BE RECOGNIZED, AND NEW RESIDENTIAL CONSTRUCTION WILL BE SUBJECT TO CERTAIN LIMITATIONS, IF APPLICABLE.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. New residential uses over water will not be permitted.
2. New residential development along or impinging upon the shoreline should be permitted only where public utilities are available.
3. Public access to and along the water's edge should be encouraged in the design of multi-family structures, subdivisions, and planned unit developments occurring on the shoreline.
4. Public access does not include the right to enter upon single family residential property without the permission of the owner.

### RESIDENTIAL USES:

*Developments where person reside including but not limited to single-family dwellings, houseboats, apartments and condominiums.*

### SUBDIVISION:

*Subdivisions of land into five or more parcels or as redefined by the legislature.*

### PLANNED UNIT DEVELOPMENT:

*Special contractual agreement between the developer and a governmental body governing development of land.*

## RECOMMENDATION

Local jurisdictions should have information available for shoreline homeowners regarding the enhancement of fish and wildlife habitats, especially at the water's edge.



# ECONOMIC DEVELOPMENT ELEMENT

The Hiram Chittenden Locks and the Lake Washington Ship Canal were constructed with the expectation that Lake Washington would be developed for commerce and industry. An inventory of shoreline uses in previous years would have included shipyards, woolen mills, military installations, agricultural lands, warehouses, fuel tanks, barging operations, saw mills, brickyards, and other manufacturing interests. Some of these uses and related activities remain today, though their numbers and intensity have diminished. Presently, less than 5 percent of the wetland area is used for commercial or industrial purposes.

The character of economic interest on Lake Washington has changed, and future economic development may be oriented more toward recreation. Although it is difficult to place a dollar value on recreation, residents of the region are spending more of their money and leisure time on water-dependent activities. Tourism has also become a significant economic interest. Lake Washington contributes directly and indirectly to the attractiveness of the region for tourism.

## GOAL

EXISTING ECONOMIC USES AND ACTIVITIES ON THE SHORELINE OF LAKE WASHINGTON ARE TO BE RECOGNIZED, WHILE ECONOMIC USES OR ACTIVITIES THAT ARE NOT DEPENDENT UPON A LAKE WASHINGTON LOCATION ARE TO BE DISCOURAGED.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. Shoreline economic uses and activities should locate where commercial or industrial areas exist.
2. Economic uses and activities which do not depend on a Lake Washington shoreline location should be discouraged. In those limited instances where such uses or activities are permitted, public access to and along the water's edge should be available.
3. Water-dependent economic development should be designed to allow reasonable public access to and along the water's edge.
4. Economic uses and activities should be designed to utilize the shoreline in an efficient manner.
  - a) Economic uses and activities should minimize and cluster that water-dependent portion of their development along the shoreline and place inland all facilities which do not require a water's edge location.

- b) The length, width, and height of overwater structures should be limited to the smallest reasonable dimensions.
  - c) Shoreline development should be designed to minimize the obstruction of scenic views while providing for viewing of shoreline areas from viewpoints and other facilities available to the public.
  - d) Wherever possible, industrial and commercial developments should share overwater structures and other shoreline facilities.
  - e) Commercial and industrial developers should be encouraged to provide public recreational opportunities on the shoreline wherever feasible.
5. Marinas and other commercial boating, shipping, or barging facilities should be limited to commercial or industrial areas. Day moorage may be permitted in recreational areas, except in unique or fragile areas.
- MARINA: A facility providing for the rental or public use of moorages for pleasure craft and which may include accessory facilities such as sales, rentals, and servicing of these craft.*
- a) Marinas and other commercial boating, shipping or barging facilities should be equipped with receptacles to receive and adequately dispose of sewage, waste, rubbish and litter from patrons' boats.
  - b) Marinas and other commercial boating, shipping or barging facilities should be equipped to contain and clean-up spills or discharges of pollutants associated with boating activities.
  - c) Gasoline and oil sales on the shoreline should be located in marinas and should be limited to the servicing of pleasure craft.
6. The storage of log booms on Lake Washington should be discouraged.
7. Storage tanks for petroleum products should not be permitted except as part of marinas and residences. In these limited instances where permitted, they should be located on dry land which is not in a unique or fragile area, and should be designed to prevent spills, seepages, or contaminants from reaching Lake Washington.

## RECOMMENDATION

Gasoline and oil facilities should have safety valves and other safety devices to minimize spills or other accidental discharges.

## CIRCULATION ELEMENT

Lake Washington is a 22,139 acre body of water located in the midst of an urban area. An extensive network of transportation routes exists around and across the Lake. Although transportation facilities were developed in response to projected demands, these facilities have in turn helped generate additional transportation needs. For example, construction of the Lake Washington bridges has permitted the eastern portion of the region to change from a low density, summer home area to a higher density, suburban/commercial area. This increase in activity has resulted in suggestions for third and fourth bridges crossing the Lake.

Lake Washington itself is a navigable body of water and is connected to Puget Sound by a system of canals and locks. Although some commercial navigation does occur, most of the boating activities in Lake Washington are recreational in nature. Seaplane activity is also present on the Lake, and three airfields are located on the shoreline. The automobile, however, is the predominant means of transportation to, from, around and across the Lake. Our heavy reliance on the automobile has contributed to recent problems in air quality, fuel supply and traffic congestion. In the long term, urban areas should look toward providing alternatives to the automobile as the primary means of transportation.

## GOAL

A BALANCED TRANSPORTATION SYSTEM FOR MOVING PEOPLE AND GOODS IS TO BE ENCOURAGED WITHIN EXISTING CORRIDORS.

## POLICIES

NOTE: The policies set forth within the following Elements: Shoreline Uses and Activities, Conservation, Public Access, and Components, are to apply to all uses and activities contained within this document.

1. Shoreline roadways should be scenic boulevards.
2. Public transportation should be provided to facilitate access to recreation areas on Lake Washington's shoreline.
3. Pedestrian and bicycle pathways, including provisions for maintenance, operation and security, should be developed around and across the Lake, consistent with private property rights.
  - a) Access points to and along the shoreline should be linked by pedestrian and bicycle pathways developed as close to the water's edge as reasonable.

### CORRIDOR:

*A circulation right-of-way and the area immediately adjacent thereto.*

### CIRCULATION:

*Those means of transportation which carry passengers or goods to, from, over or along Lake Washington.*

- b) Pedestrian and bicycle pathways should be included in new or expanded bridges.
  - c) Pedestrian and bicycle pathways should be included in publicly financed transportation systems or rights-of-way, consistent with public interest and safety.
4. Provisions for METRO Public Transit should be implemented in all transportation facilities crossing Lake Washington. The term public transit is used here to include reasonable modes and facilities for moving people rapidly.
  5. No additional vehicular traffic corridors should be established across the Lake.
  6. Commercial aircraft facilities on Lake Washington's shoreline should be limited to existing and presently utilized aircraft areas.
  7. Moorage, storage, servicing and operation facilities for ocean-going or commercial ships and barges should not be expanded on the shoreline of Lake Washington.
  8. Proposals for additional transportation across Lake Washington should consider alternative modes above, on, or below the surface of the Lake.
  9. Cross-lake transportation facilities must be designed to minimize the increase in noise, air or water pollution above existing levels and in addition, must reduce to the maximum extent, similar impacts from existing facilities via upgrading and improvement.

#### COMMERCIAL AIRCRAFT FACILITY:

Commercial or general aviation facility or any other aircraft facility not for the exclusive use of an individual.

#### SHIP:

A vessel of 20 tons or upward or a vessel less than 20 tons if registered, enrolled, or documented under the laws of the United States, but does not include private non-commercial pleasure craft.

### RECOMMENDATIONS

1. Local jurisdictions should cooperate with METRO to coordinate public transportation routes with public access points along the shoreline.
2. Local jurisdictions should be encouraged to coordinate with King County in the implementation of its Trails Plan.
3. The connection of other trails in the region to the shoreline pedestrian and bicycle pathways should be encouraged and developed.

4. To assist in developing pedestrian and bicycle pathways, incentives should be offered to property owners for utilizing setback areas.
5. To assist in developing pedestrian and bicycle pathways, easements should be obtained.
6. Local jurisdictions and other governmental agencies should consider using water-borne modes of transporting commuters and sightseers in a manner compatible with environmental quality and recreational activity. Such considerations should include terminals and land connections.

## LANDFILL AND DREDGING

Landfill is usually contemplated in locations where the water is shallow and where rooted vegetation often occurs. In their natural condition these same areas provide suitable habitat for fish and wildlife feeding, breeding and shelter. Biologically the shallow vegetation areas tend to be highly productive portions of the Lake. For these reasons governmental agencies and scientific experts have generally taken a stand against landfill.

In most cases when dredging is done it also occurs in shallow areas and may disturb the environment in the following ways:

- 1) temporary reduction of water clarity from suspended sediments,
- 2) losses in aquatic plants and animals by direct removal or from the sedimentation of suspended materials, 3) alteration in the nutrient and oxygen levels of the water column, and
- 4) suspension of toxic materials from the sediments into the water column.

5. Shoreline low-rise development should provide substantial grade level views of the water from public shoreline roads running generally parallel to the water's edge.
6. Enclosed overwater structures should not be allowed except when overriding considerations of the public interest are served.
7. Substantial repairs or alterations to non-conforming structures should be in conformance with the policies contained herein.
8. Non-conforming shoreline structures which receive little use and/or are in a general state of disrepair should be abated within a reasonable period of time.

#### ENCLOSED OVERWATER STRUCTURE:

A structure extending on or over the surface of the water which has one or more walls with or without a roof.

#### NON-CONFORMING STRUCTURE:

A structure, or portion thereof, which was lawfully erected or altered and maintained, but which no longer conforms to adopted regulations.

## RECOMMENDATIONS

1. The Component section of this document should be reviewed and modified as necessary at the completion of the research program being undertaken by the Cooperative Fishery Unit at the University of Washington, and any other relevant studies.
2. Site planning should include setbacks from the shoreline. Landscaping should also be considered as a method of retaining a sense of nature in developed shoreline areas. Retention of trees and other natural vegetation should be encouraged where possible, particularly in those areas in or adjacent to marshes, wetlands, or other areas of ecological and environmental significance.

## POLICIES

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

1. Landfill and dredging should be prohibited in unique or fragile areas.
2. Landfill or dredging should not be permitted except in the following cases, and even then should generally be discouraged.
  - a) Landfill or dredging may be permitted where necessary for the development and maintenance of public shoreline parks.
  - b) Landfill or dredging may be permitted where necessary to improve water quality where no other possible alternatives are available.
  - c) Replenishing sand on public and private community beaches should be allowed.
  - d) Landfill or dredging may be permitted where additional public access is provided, and/or where there is anticipated to be a significant improvement to fish or wildlife habitat; provided there is no net reduction upon the surface waters of the Lake.
3. In those limited instances where landfill is permitted, the waterside perimeter of the fill should be stabilized with vegetation and/or materials that would promote fish and wildlife.
4. Dredging spoils should be deposited on approved dumping sites. Dumping sites should not be allowed in the Lake or in unique or fragile areas.
5. Dredging should be permitted to maintain water flow and navigability.
6. Dredging for the purpose of obtaining fill or construction material should be prohibited.

### LANDFILL:

*Creation or maintenance of beach or creation of dry upland area by the deposition of sand, soil, gravel or other materials into shoreline areas.*

### DREDGING:

*Removal of earth from the bottom of a body of water usually for the purpose of deepening a navigational channel or obtaining bottom materials.*

## RECOMMENDATIONS

1. When reviewing applications for landfill intended to improve water quality, local jurisdictions should consult with appropriate governmental agencies to determine the necessity and proper location for such fill.
2. Appropriate governmental agencies and local jurisdictions should approve funding and/or personnel to undertake a short term study on the biological impacts of dredging and landfills and to devise suitable criteria or guidelines for such activities.



## SHORELINE PROTECTIVE STRUCTURES

Shoreline protective structures are used to diminish the destructive force of waves and currents on beaches, to protect anchorages, to encourage the deposition of littoral materials, or in some cases for purposes of convenience of appearance. Although these structures protect the backshore, they may also encourage scouring or erosion on adjacent shoreland or submerged land.

### BULKHEADS:

When structures reflect rather than absorb wave energy the destructive forces are largely redirected. In some cases bulkheads transmit wave energy downward thereby eroding the beach at the base of the structure. Sloping, permeable structures, on the other hand, absorb wave energy, reduce wave run-up, and minimize scouring action at the base. In cases where bulkheading is permitted, scientific information suggests a rock riprap design should be preferred. The cracks and openings in such a structure afford suitable habitats for certain forms of aquatic life. Above the water line, however, such cracks and openings may provide nesting sites for rat populations.

The purpose of a bulkhead is to stabilize land at the water's edge to prevent erosion. Often bulkheads are built out into the water in conjunction with landfill for the purpose of reclaiming lost land or creating new dry land areas.

### BREAKWATERS:

Solid or near solid breakwaters are often used to protect areas from wave action, but in so doing they reduce normal passage of water, sediments and fish. Adequate circulation of water through harbor areas is also important in reducing eutrophic processes which may occur in more static waters. Such flushing action also allows the dispersal of contaminants into a greater volume of water.

Although the primary function of breakwaters is to diminish wave action, they may also play a role in containing oil spills occurring within the harbor area.

## POLICIES

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

1. Construction or repair of bulkheads should not extend into the Lake beyond the existing high water line, except in case of approved landfill.
2. The use of vegetation for stabilizing the water's edge from erosion should be encouraged over the use of bulkheads.
3. Bulkheads at the water's edge should be designed to minimize the transmission of wave energy to other properties.
4. Bulkheads and landfill may be permitted to restore lands lost to unusual erosion within one year of the date that erosion occurred. A one year extension for a reasonable cause may be granted by the local jurisdiction. The applicant is responsible for demonstrating the severity and extent of such erosion.
5. Breakwaters should generally be discouraged. In those limited instances where breakwaters are permitted, a floating design is preferred unless such a design is not technically or ecologically practical.
6. There should be no construction of jetties, groins, or other protective structures unless there is a demonstrated need for such structures and no preferable alternatives are available.

### BULKHEAD:

A wall or embankment used for holding back earth.

### BREAKWATER:

Protective structure usually built offshore for the purpose of protecting the shoreline or harbor areas from wave action.

### JETTY:

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

### GROIN:

A barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore.

## RECOMMENDATIONS

1. Appropriate governmental agencies should be encouraged to undertake a study on the short-term and long-term effects of breakwaters, bulkheads, and other shoreline protective structures in order to develop suitable criteria or guidelines for their construction.
2. It is recommended that bulkheads be of sloping rock riprap design. The riprap should be left ungrouted except in areas where rats may nest.

## **PIERS AND MOORAGES**

There are presently at least 2,265 piers in Lake Washington. The impact of these structures on the Lake is being studied in detail by a group of scientists at the University of Washington Cooperative Fishery Unit. It is unlikely that a single pier will significantly affect the Lake. But the proliferation of these structures is additive and creates aesthetic problems as well as hindrances to fishing and navigation.

## POLICIES

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

1. Whenever possible, consolidation of utilities should be encouraged within rights-of-way.
2. When technically and economically feasible, these facilities should be placed underground.
3. After completion of installation or maintenance of these facilities, the shoreline area should be restored to its pre-project condition. If the previous condition is identified as being undesirable, then landscaping and other improvements should be undertaken.
4. In all new developments, the developer should install means to control the entry of contaminants into the Lake within acceptable water quality standards.
5. Prior to construction of new outfalls, water circulation studies should be conducted to determine the best shoreline location for such facilities.
6. Shoreline outfalls should be designed and constructed to minimize damage to the Lake's edge and be placed below the surface of the Lake where feasible.

**OUTFALL:**  
A structure used  
for the discharge  
of liquid materials.

## RECOMMENDATIONS

1. The proliferation of impervious surfaces in the drainage basins serving Lake Washington should be kept to a minimum.
2. Whenever possible contaminants should be removed from surface runoff at the source of contamination. Methods of removing contaminants include oil skimmers, sediment traps, and street sweeping.
3. When contemplating the construction of a new outfall, METRO and other appropriate governmental agencies should be consulted regarding the appropriate location for the outfall.

## **PARKING**

Whether for work or leisure time, many people reach the shoreline by automobile. The use of shoreline areas for parking, however, precludes other more appropriate uses of the land. Since land-fill as a means of increasing dry land areas is to be discouraged the storage space for automobiles is limited. Thus, the number of required parking spaces for new construction can severely restrict the intensity or density in many developments.

The use of the automobile as the primary mode of transportation is expected to continue. Any reliable public transportation system may take years to develop. The problem of the automobile as a major waterfront land user will increase as the demand for various waterfront uses and activities increases. The space required for each automobile stored including ingress and egress areas is at least 300 square feet.

## **POLICIES**

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

Parking facilities for motor vehicles or boat trailers should be minimized in the shoreline area.

- a) Parking facilities should not be permitted along the water's edge.
- b) Upland parking facilities for shoreline activities should provide adequate pedestrian access to the shoreline.
- c) Upland parking facilities should be designed and landscaped to minimize adverse impacts on the shoreline and adjacent lands.

## **RECOMMENDATION**

Local jurisdictions should undertake studies to minimize parking in the shoreline area.

## BOAT LAUNCHING FACILITIES

Boating is a popular form of recreation in the Lake Washington area, and demand for boating is expected to increase as the population in the region grows. The use of boat launching facilities permits dry land storage of vessels and reduces the need for marinas and piers. At present there are 41 public boat launching lanes on Lake Washington.

## POLICIES

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

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| <ol style="list-style-type: none"> <li>1. Regional boat launching facilities should be provided which are adequate for the needs and carrying capacity of the Lake subject to other policies herein governing land and water use.</li> <li>2. Boat launching facilities should not be constructed in unique and fragile areas.</li> <li>3. Boat launching facilities should be separated from swimming areas wherever possible.</li> </ol> | <p><b>BOAT LAUNCHING FACILITY:</b><br/> <i>A facility used for launching of boats by auto or hand including ramps and other devices, along with adequate parking and maneuvering space.</i></p> |
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## RECOMMENDATIONS

1. Local jurisdictions should consider the feasibility of converting some of their shoreline street ends into boat ramps.
2. Local jurisdictions and appropriate governmental agencies should join together in a lake-wide study which would optimize the number of boat launching facilities on Lake Washington.

## SIGNS

Signs are public displays whose purpose is to provide information, direction or advertising. Due to the nature of their purpose, signs are usually placed in visually conspicuous settings and often obstruct scenic views.

## POLICIES

NOTE: The policies set forth within the Components Element are to apply "across the board" to all components.

1. Off-premise and non-appurtenant signs should not be permitted on the shoreline.
2. Illuminated or free standing signs or any signs extending above rooflines should be prohibited on the shoreline except for required navigational aids.
3. Advertising signs, when permitted, should be limited to areas of high-intensity land use, and should be stationary, non-blinking, and of a size commensurate with the structure to which it is fixed.
4. Exterior high intensity artificial lighting should be directed away from adjacent property and the water wherever offensive.

**OFF-PREMISE SIGN:**  
A commercial sign located on property other than the property upon which the advertised business is located.

**NON-APPURTENANT SIGN**  
A sign which does not relate to, or which relates only incidentally to, the occupant of the premises or the principal business conducted thereon or the principal product sold or service performed on the premises.

## PROCESS

This study represents an initial effort to plan and coordinate the uses of Lake Washington's shoreline. The Shoreline Management Act has required local jurisdictions to direct their attention to this matter, and it is likely that future legislation, scientific information, changes in environmental quality, social factors and economic concerns may create the impetus for updating this initial effort. Such new demands should be met in a manner which will insure the maintenance of Lake Washington as a valuable natural amenity benefiting the people of the region and the state.

## POLICIES

1. The jurisdictions surrounding Lake Washington should be encouraged to update the regional goals and policies within the next few years.
  - a) Local jurisdictions should assign staff members for updating the regional goals and policies.
  - b) Local jurisdictions should appoint citizens to assist in the updating of regional goals and policies.
  - c) Prior to the updating of regional goals and policies, local jurisdictions should appoint ad-hoc committees for the purpose of better defining the optimal uses of Lake Washington's shoreline.
2. The jurisdictions surrounding Lake Washington should update their master programs in conjunction with the updating of regional goals and policies.
3. The shoreline permit system should be investigated, and recommendations should be made to improve the coordination between governmental agencies having jurisdiction on Lake Washington.
4. All of the jurisdictions surrounding Lake Washington should be appraised of major developments proposed on the shoreline of the Lake.
5. Local jurisdictions shall in most instances provide for special cases or variances by special procedures where necessary in administering and enforcing these policies, consistent with the Shoreline Management Act.

**MAJOR DEVELOPMENT:**  
Any development which requires an environmental impact statement pursuant to the State Environmental Policy Act of 1971.



## RECOMMENDATIONS

1. Although most drainage basins are not included within the scope of the Shoreline Management Act, it is recognized that uses and activities in upland areas may have an impact on the Lake Washington shoreline. Planning for the shoreline and its related drainage basins should be coordinated by local jurisdictions in order to minimize conflicts between these legislatively separate areas.
2. All appropriate governmental jurisdictions should develop procedures for implementing the Shoreline Management Act which should at least include the following:
  - a) Utilize, share and review technical data provided by professional consultants retained by property owners and existing interdisciplinary consultants in preparation of required plans and permits. To assure effective public input and implementation of these guidelines, agency staff time and expertise must start at the earliest stages of planning.
  - b) Establish a mutually acceptable deadline for the approval or denial of property owner applications at each level of jurisdiction.
  - c) Begin immediately to investigate methods of improving administrative coordination between jurisdictional agencies both on the lake and at the state and federal levels; and determine methods of simplifying and expediting permit applications.

## GLOSSARY

**ACTIVITY:** a happening associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials. Not all activities necessarily require a shoreline location.

**BOAT LAUNCHING FACILITY:** a facility used for launching of boats by auto or hand including ramps and other devices, along with adequate parking and maneuvering space.

**BREAKWATER:** protective structure usually built offshore for the purpose of protecting the shoreline or harbor areas from wave action.

**BUILDING:** any structure having a roof intended to be used for the shelter or enclosure of persons, plants, animals or property.

**BULKHEAD:** a wall or embankment used for holding back earth.

**CIRCULATION:** those means of transportation which carry passengers or goods to, from, over or along Lake Washington.

**COMMERCIAL AIRCRAFT FACILITY:** commercial or general aviation facility or any other aircraft facility not for the exclusive use of an individual.

**COMPONENTS:** structures which are either required by or are accessory to a shoreline use or activity.

**CORRIDOR:** a circulation right-of-way and the area immediately adjacent thereto.

**DEVELOPMENT:** a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any other project of a permanent or temporary nature on the shoreline.

**DREDGING:** removal of earth from the bottom of a body of water usually for the purpose of deepening a navigational channel or obtaining bottom materials.

**ECONOMIC DEVELOPMENT:** a development which provides a service, produces a good, retails a commodity, or engages in any other use or activity for the purpose of making financial gain.

**ENCLOSED OVERWATER STRUCTURE:** a structure extending on or over the surface of the water which has one or more walls with or without a roof.

**GROIN:** a barrier-type structure extending from the backshore into the water across the beach. The purpose of a groin is to interrupt sediment movement along the shore.

**HIGH RISE STRUCTURE:** any structure of more than thirty-five feet above average shoreline grade level.

**JETTY:** an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excessive sediment.

**LANDFILL:** creation or maintenance of beach or creation of dry upland area by the deposition of sand, soil, gravel or other materials into shoreline areas.

**LOCAL JURISDICTIONS:** the following local governments having jurisdiction over the shoreline of Lake Washington: Beaux Arts, Bellevue, Hunts Point, King County, Kirkland, Lake Forest Park, Medina, Mercer Island, Renton, Seattle and Yarrow Point.

**MAJOR DEVELOPMENT:** any development which requires an environmental impact statement pursuant to the State Environmental Policy Act of 1971.

**MARINA:** a facility providing for the rental or public use of moorages for pleasure craft and which may include accessory facilities such as sales, rentals, and servicing of these craft.

**MOORAGE:** any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy).

**MULTIPLE-USE:** the combining of compatible uses within one development. The major use or activity must be water-dependent. The major use or activity must be in terms of both dollar value and commitment of land.

**NATURAL AMENITY:** an assemblage of natural elements such as climate, land, and water as well as plant and animal life which leads to feelings of comfort, pleasure, or joy.

**NON-APPURTENANT SIGN:** a sign which does not relate to, or which relates only incidentally to, the occupant of the premises or the principal business conducted thereon or the principal products sold or service performed on the premises.

**NON-CONFORMING STRUCTURE:** a structure, or portion thereof, which was lawfully erected or altered and maintained, but which no longer conforms to adopted regulations.

**OFF-PREMISE SIGN:** commercial sign located on property other than the property upon which the advertised business is located.

**OPEN SPACE:** a land area allowing view, use or passage which is almost entirely unobstructed by buildings, paved areas, or other man-made structures.

**OPTIMAL:** the most favorable or conducive to a given end.

**OUTFALL:** a structure used for the discharge of liquid materials.

**PIER:** a general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

**PLANNED UNIT DEVELOPMENT:** special contractual agreement between the developer and a governmental body governing development of land.

**PUBLIC ACCESS:** a means of physical approach to and along the shoreline available to the general public. Public access may also include visual approach.

**PUBLIC TRANSIT:** reasonable modes and facilities for moving people rapidly.

**RECREATION:** the refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active such as boating, fishing, swimming, or the experience may be passive such as enjoying the natural beauty of the shoreline or its wildlife.

**RESIDENTIAL USES:** developments where persons reside including but not limited to single-family dwellings, houseboats, apartments and condominiums.

**RIGHTS-OF-WAY:** strips of land used for purposes of transportation or utility systems.

**SHIP:** a vessel of 20 tons or upward; or a vessel of less than 20 tons if registered, enrolled, or documented under the laws of the United States, but does not include private non-commercial pleasure craft.

**SHORELINE:** the water and submerged lands of Lake Washington as well as the wetland areas associated with the Lake.

**STRUCTURE:** a combination of materials constructed or erected on the ground or water, or attached to something having a location on the ground or water.

**SUBDIVISION:** subdivisions of land into five or more parcels or as redefined by the legislature.

UNIQUE OR FRAGILE AREAS: those portions of the shoreline which:  
1) contain or substantially contribute to the maintenance of endangered or valuable forms of life, 2) contain steep slopes, marshes, or other areas having unstable or potentially hazardous topographic, geologic, or hydrologic features, or 3) have significant historical, cultural, scientific or educational value.

UPLAND: those dry land areas not included in the definition of "shoreline".

USE: the commitment of land or water surface to a given purpose or activity. Examples of shoreline uses include but are not limited to residential units, parks, marinas, open space, office buildings, ports, restaurants, wildlife preserves, factories or even non-use. Not all uses, however are necessarily reasonable or appropriate for a shoreline location.

WATER-DEPENDENT: referring to uses or activities which necessarily require water and/or which necessarily require a shoreline location as a major and integral part of that use or activity.

WATER'S EDGE: that land area landward and immediately adjacent to the highwater line.

WETLANDS: lands extending landward for two hundred feet in all directions as measured on a horizontal plane from ordinary high water mark, and all marshes, bogs, swamps, floodways, deltas and floodplains designated by the Department of Ecology as wetland areas.

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## CHAPTER 24.06 - SHORELINE ADMINISTRATION AND PROCEDURES

24.06.01 - USER GUIDE

This Chapter contains the provisions regarding the City's administration and enforcement of the Shoreline Management Act and the Kirkland Shoreline Master Program (Chapter 24.05 of the Kirkland Municipal Code), as well as the permit system applicable to the Shoreline Management Act and Shoreline Master Program in the City.

24.06.05 Administrative Responsibilities In General

Except as otherwise specifically established in this Chapter or Chapter 24.05 of the Kirkland Municipal Code, the Department of Planning and Community Development of the City of Kirkland is responsible for the administration of the Shoreline Management Act and the Shoreline Master Program in the City of Kirkland.

24.06.10 Applicability of the Shoreline Master Program

The Shoreline Master Program applies to all development as that term is defined in RCW 90.58.030, whether or not that development is exempt from the requirement of obtaining a permit under this Chapter.

24.06.15 Exemption From Permit Requirements

All development, except as specified in RCW 98.58.030(3)(e) must obtain a permit prior to commencement. Chapter 24.05 of the Kirkland Municipal Code and this Chapter specify which permit is required.

24.06.20 Letter of Exemption Issued in Certain Cases

WAC Section 173-14-115 establishes the circumstances under which the City will issue a letter stating that a proposed development is exempt from the permit requirements of the Shoreline Management Act and this Chapter.

24.06.25 Prior Review of Exempt Actions

Applicants are encouraged to consult with the City prior to commencing any work on a development which the applicant feels is exempt from the permit requirements of the Shoreline Management Act and this Chapter. The City will review these proposed

developments for consistency with the requirements of the Shoreline Management Act and the Shoreline Master Program to determine if the City concurs that the development is exempt from permit requirements.

24.06.30 Application Materials To Be Adopted

The Department of Planning and Community Development of the City is hereby directed to adopt and publish application forms and materials for permits required under this Chapter. At a minimum, these application forms and materials will require the information specified in WAC 173-14-110.

24.06.35 Notice of Applications and Hearings

1. Contents - Public notices of pending applications and hearings on permits under the Shoreline Management Act and this Chapter will, at a minimum, contain the information specified in WAC 173-14-070.
2. Distribution - Notice of all pending applications for permits under the Shoreline Management Act and this Chapter will be distributed as follows:
  - a. Notice will be published in the official newspaper of the City on the same day of the week for two consecutive weeks. The latter of these two newspaper publications will be at least 30 days prior to the date of any public hearing on the permit, or if no public hearing is to be held, 30 days before the City makes any decision on the application.
  - b. At least 14 days prior to the date of any public hearing on the permit, ~~or if no public hearing will be held, at least 14 days before the City makes any decision on the application,~~ the City will distribute the notice of the application as follows:
    - 2) by posting a copy of the notice will be posted on each of the official notification boards of the City.

~~17c.~~ at least three-copies-of-the-notice-will-be conspicuously-posted-16 days prior to the date of any public hearing on the permit, the applicant will erect a public notice sign(s) on or near the subject property. Of these, at least one will be posted on every public right-of-way providing primary vehicular access to any property that abuts the subject property.

d. If no public hearing is required, at least 14 days prior to the date the City makes any decision on the application, the City will distribute the notice of the application by:

1) posting a copy of the notice on each of the official notification boards of the City and;

2) conspicuously posting at least 3 copies of the notice on or near the subject property. Of these, at least one will be posted on every public vehicular access to any property that abuts the subject property.

#### 24.06.40 Substantial Development Permits

1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Substantial Development Permit under the Shoreline Management Act and the Shoreline Master Program.

#### 2. Procedures

a. If the proposal that requires a Substantial Development Permit also requires approval through Chapters 145, 150, 152, or 155 of Ordinance 2740, as amended (the Kirkland Zoning Code), the Substantial Development Permit will be heard and decided upon using the provisions of whichever of the above listed Chapters of Ordinance 2740 applies; provided, however, that if the provisions of this Chapter conflict with the provisions of the applicable Chapters of Ordinance 2740, the provisions of this Chapter will be followed.

b. If the provisions of Paragraph 2(a) of this Section 24.06.40 do not apply, the Substantial Development Permit will be reviewed and decided upon using the provisions of

b. If the provisions of Paragraph 2(a) of this Section 24.06.40 do not apply, the Substantial Development Permit will be reviewed and decided upon using the provisions of Chapter 145 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. If a conflict exists, the provisions of this Chapter will be followed.

3. Criteria - WAC 173-14-100 establishes that a Substantial Development Permit may only be granted when the proposed development is consistent with all of the following:

- a. The policies and procedures of the Shoreline Management Act.
- b. The provisions of WAC Chapter 173-14.
- c. Chapter 24.05 of the Kirkland Municipal Code.

24.06.45 Conditional Use Permits

- 1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Conditional Use Permit under the Shoreline Management Act and the Shoreline Master Program. Sections 24.05.110 and 24.05.115 of the Kirkland Municipal Code establish what uses developments and activities require the issuance of a Conditional Use Permit.
- 2. Procedures - The City will review and decide upon each application for a Conditional Use Permit under the Shoreline Management Act and the Shoreline Master Program using the provisions of Chapter 152 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. Where a conflict exists, the provisions of this Chapter will be followed.