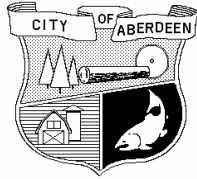


City of
Aberdeen



Community Development Department
200 East Market Street • Aberdeen, WA 98520-5242
PHONE (360) 537-3238 • EMAIL lscott@aberdeeninfo.com
FAX (360) 537-3350 • TDD (360) 533-6668

As of October 2005

SHORELINE PERMIT FEES

Shoreline

**Substantial Development
Conditional Use
Variance**

\$400.00

Shoreline Exemption

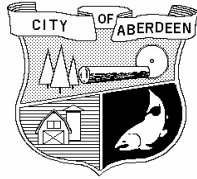
\$150.00

(If your project is exempt from Shoreline Substantial Development permit then you may not be required to submit a SEPA application, please contact the below number for further details.)

Please read the attached document carefully. Fill out the application to the best of your knowledge. If you do not know the answer to a question, please call Lisa Scott at the City of Aberdeen, Community Development Department at (360) 537-3238. Make sure you attach all appropriate drawings to your application. Failure to submit a complete application may delay your project.

Thank you.





Substantial Development Permit Fee: \$400.00
Substantial Development Conditional Use/Variance Permit Fee: \$400.00
Shoreline Exemption: \$150.00 (JARPA Required)

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

1. **Name:** _____
Address: _____
Telephone Number: (____) _____
2. **Attach a copy of the legal description for the property.**
3. **Address of the property to be developed:** _____
4. **Name of associated shoreline or wetland:** _____
5. **Attach a completed State Environmental Policy Act (SEPA) form and Joint Aquatic Resource Permit Application (JARPA) that fully explains the intended project including, but not limited to:**
 - a.) **Indication of size and placement of all structures including bulkheads.**
 - b.) **Indication of size, grade, profile of all roads or other vehicular passageways.**
 - c.) **Indication of any and all water supplies, sewage disposal facilities and solid waste handling facilities.**
 - d.) **Relation of all physical development to the associated shoreline or wetlands.**
 - e.) **Scale drawings of all bridges or other structures to be built in, on or over streams, marshes, swamps or lakes.**
6. **What is the intended beginning and ending date of this project:** _____
7. **Please give a brief explanation as to why this project requires a shoreline location as opposed to a non-shoreline location.**



8. If a Variance or Conditional use is being requested, please give a brief explanation of why the Variance or Conditional Use should be granted, including notation of any special features of the proposed project that support the request.

I certify that the information furnished by me is true and correct to the best of my knowledge.

Owner or Applicant: _____
Signature Date

******DO NOT WRITE BELOW THIS LINE. FOR OFFICE USE ONLY******

- _____ Fee Paid
- _____ SEPA Checklist Complete
- _____ JARPA Complete
- _____ Legal Description
- _____ Site Plan indicating size & placement of all structures, roadways, utilities, affected shoreline or wetland, etc.
- _____ Date Application Received by City of Aberdeen
- _____ Initials of person review above information

Chapter 16.20

SHORELINE MANAGEMENT

Sections:

- 16.20.010 Title.
- 16.20.020 Purpose.
- 16.20.030 Definitions.
- 16.20.040 Application of regulations.
- 16.20.050 Relation of regulations to permits and notification.
- 16.20.060 Siting regulations.
- 16.20.070 Design regulations.
- 16.20.080 Earth changing regulations.
- 16.20.090 Public access.
- 16.20.100 Restoration.
- 16.20.110 Scenic view and vista regulations.
- 16.20.120 Valuable site and structure protection regulations.
- 16.20.130 Shoreline environment designation map-Adoption of, regulation.
- 16.20.140 Urban environment regulations.
- 16.20.150 Nonconformities.
- 16.20.160 Administrator.
- 16.20.170 Hearing board.
- 16.20.180 Permits.
- 16.20.190 Conditional uses.
- 16.20.200 Variance.
- 16.20.210 Interpretation.
- 16.20.220 Appeal.
- 16.20.230 Amendments and boundary changes.
- 16.20.240 Public hearing rules.
- 16.20.250 Violations-Penalties.
- 16.20.260 Miscellaneous.

16.20.010 Title.

This chapter shall be known and may be cited as "the Shoreline Management Master Program Regulations." This chapter may refer to itself internally as "these regulations." (Prior code § 11.08.010)

16.20.020 Purpose.

A. This chapter is intended to carry out the responsibilities imposed on the city of Aberdeen by the Shoreline Management Act of 1971. The actual purpose of these regulations is thus the same as the purpose of the Act itself. It is recognized that the shorelines of the state of Washington are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines of this city. The city council finds that much of the shorelines of the city and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned

or publicly owned shorelines of the city is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the city while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the city's shorelines.

B. It is the policy of the city to provide for the management of the shorelines of the city by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner that, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

C. The city council declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. In adopting the guidelines for shorelines of statewide significance, the city council has given preference to the uses in the following order of preference which:

1. Recognize and protect the statewide 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 shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

D. In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the city shall be preserved to the greatest extent feasible, consistent with the overall best interest of the city and the people generally. To this end, uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the city's shorelines. Alterations of the natural condition of the shorelines of the city, in those limited instances when authorized, shall be given priority for family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers and other improvements facilitating public access to shorelines of the city, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the city and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the city.

E. Permitted uses in the shorelines of the city shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. (Prior code § 11.08.020)

16.20.030 Definitions.

As used in this chapter, unless context requires otherwise, the following definitions will apply:

- A. Administration.
 - 1. "Department" means the Department of Ecology,
 - 2. "Director" means the director of the Department of Ecology,
 - 3. "City" means the city of Aberdeen,
 - 4. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or Municipal Corporation, or agency of the state or local government unit however designated,
 - 5. "Hearing board" means the Shorelines Hearings Board established by this chapter.
- B. Geographical.
 - 1. "Extreme low tide" means the lowest line on the land reached by a receding tide.
 - 2. "Ordinary high water mark" on all lakes, streams and tidal water means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.
 - 3. "Shorelines of the state" are the total of all shorelines and shorelines of statewide significance within the city.
 - 4. "Shorelines" means all of the water areas of the city including reservoirs and their associated wetlands, together with lands underlying them except:
 - a. Shorelines of statewide significance;
 - b. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and
 - c. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.
 - 5. "Shorelines of statewide significance" means the following shorelines of the city:
 - a. Those natural rivers or segments thereof of the Cascade Range downstream of a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more,
 - b. And all wetlands associated with any of subsection (B)(5) of this section.
- C. Procedural Terms.
 - 1. "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the

city prior to adoption of master programs. Such standards shall also provide criteria to the city and the department in developing master programs.

2. "Master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.
3. "State master program" means the cumulative total of all master programs approved or adopted by the Department of Ecology.
4. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulk heading; driving of piling; placing of 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.
5. "Substantial development" means any development of which the total cost or fair market value exceeds one thousand dollars (\$1,000.00), or any development, which materially interferes with the normal public use of the water or shorelines of the city; except that the following shall not be considered substantial developments for the purpose of this chapter:
 - 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 residence;
 - c. Emergency construction necessary to protect property from damage by the elements;
 - d. Construction of a barn or similar agricultural structure on wetlands;
 - 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 thirty-five (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 designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family residence, cost which does not exceed two thousand five hundred dollars (\$2,500.00).
6. "Advertising area" means the total number of square feet within the boundaries of a parallelogram or triangle which enclosed the

message, or word, symbol, design, picture or visual medium, visual on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction, the advertising area shall be the total number of square feet within the boundary of separate parallelograms closing each letter. Where signs including surfacing facing in different directions, the advertising area shall be the largest total of advertising area visible in any one direction and in the case of a cylindrical shaped sign the advertising area shall be the largest cross-section thereof.

7. "Density" means the total number of square feet in a lot divided by the number of dwelling units located on the lot.
8. "Dwelling" means one or more habitable rooms for one family with facilities for living, sleeping, cooking and eating.
9. "Lot" means a tract of land lawfully established and officially recorded in the county auditor's office, whether described by metes and bounds and/or by lot, or by lot and block designation in a recorded plat, which constitutes a unit of land under single ownership. Where an existing or proposed building or development straddles a lot line dividing contiguous lots under the same ownership, the affected lots shall be considered one lot for the purposes of this chapter.
10. "Sign" means any message, work, symbol, design, picture, visual medium which is intended to draw attention to a product, service, business, person, institution, location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever and placed thereon whether indoor or outdoor, so as to be visible from off-premises, exclusive of legal notices, safety and directional signs posted by public agencies.
11. "Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including unroofed paved areas. (Prior code § 11.08.030)

16.20.040 Application of Regulations.

- A. These regulations shall apply to all the lands and waters in the city which are under the jurisdiction of the Shorelines Management Act of 1971.
- B. These regulations shall apply to every person, firm, corporation, local and state governmental agency and other nonfederal entities, which would develop, use and/or own lands, wetlands or waters under the control of this master program. Further, these regulations shall apply except as provided in Section 16.20.030 to all present and future situations found within the area of jurisdiction. (Prior code § 11.08.040)

16.20.050 Relation of regulations to permits and notification.

- A. For administrative purposes, all conceivable forms of development or use of shoreline areas subject to these regulations fall into two categories:

1. Uses or developments that, according to Section 16.20.180, require the obtaining of a substantial development permit;
 2. Uses or developments, which do not require substantial development permits.
- B. These regulations can be modified, or varied for specific cases, by making the appropriate findings during the course of the permit procedure as explained in Section 16.20.180. Only by following the permit procedure can there be any deviation from the strict interpretation of these regulations. (Prior code § 11.08.050)

16.20.060 Siting regulations.

This section regulates site selection for various kinds of land and water uses, and is primarily intended to preserve shorelines for those uses, which are more in need of shoreline sites than those, which are not. Within the confines of the specific environment regulations found in Section 16.20.140, the following uses are deemed as permitted uses for shorelines. All other uses, as specified herein, may be considered as conditional uses.

Table One
PERMITTED SHORELINE USES

- Residences
- Parks, public and private
- Public access areas, routes and devices
- Hotels, motels, condominium
- Restaurants, taverns
- Docks, piers and other water/land connectors
- Water control devices and structures
- Water-related commercial uses
- On-premises outdoor advertising
- Marinas and boat basins
- Shipyards and other watercraft industries
- Port facilities
- Water-related industries
- Aquacultural uses and structures
- Agriculture
- Fishing and other water sports
- Mobile home parks
- Watercraft of all kinds
- Necessary bridges
- Log storage
- Public utilities
- Bulkheads and other protective devices as part of another use or for protection of uplands
- Dredging and mineral extraction
- Parking lots for vista purposes only
- Pollution control facilities

The following table is a list of conditional uses; these and other unlisted uses may be allowed as conditional uses only.

Table Two
CONDITIONAL SHORELINE USES

Parking lots, non-vista
Non-water related industry
Non-water related commercial uses
Landfills
Solid waste disposal
Off-premises outdoor advertising
Wood waste landfills
Timber harvesting and management
(Prior code § 11.08.060)

16.20.070 Design regulations.

This section applies to the site design of shoreline developments. The design of buildings themselves is not regulated except by virtue of the site design constraints herein.

- A. Those aspects of a shoreline use which do not need to locate near the shoreline (incidental off-street parking, accessory buildings, storage areas, etc.) shall be located as far upland from the shorelines as site utilization requirements permit.
- B. No structure that would significantly interfere with the passage of stream waters or floodwaters will be permitted except when the blocking of such passage is specifically intended and authorized by permit.
- C. When no bulkheads or other protective structure are required or intended the water's edge shall be kept or restored to its natural contour, shape and appearance.
- D. In large developments, public access rights-of-way and improvements will be required if the shoreline or waters to be given access are of an appropriate nature and can withstand the access. Access will be restricted if the development could pose a hazard by its very nature, such as a sewage treatment plant or shipyard.
- E. All bridges and other water-crossing structures shall be designed to not impede the normal annual high water flow. Bridge approaches and side slopes shall be stabilized. Bridges, water control devices and structures, dredging, vista points, log rafting and storage and similar uses which require location under, on or above water shall be located and designed to minimize interference with navigation and visual amenity.
- F. Where property has been previously impacted or disturbed by man, and a part not so disturbed; then, where reasonable, new development shall occur on the previously disturbed section of property.
- G. Streets not intended for stream crossing approaches shall be kept as far upland of the stream edges as reasonably possible.
- H. Sign Regulations.

1. In all environments public safety signs and signs not exceeding two square feet posted to warn against hunting, fishing, trespassing and hazards are permitted.
2. In the urban environment, the following signs shall be permitted:
 - a. A residential nameplate, which may be indirectly lighted, bearing the name of the occupant and not exceeding two square feet in area;
 - b. Identifying sign and/or bulletin board for a church, school, or other public or semi-public institution, which may be indirectly lighted, not exceeding sixteen (16) square feet in area and located on the premises;
 - c. No more than two signs advertising a residential or recreational development, located on the premises thereof, unilluminated and not exceeding thirty-two (32) square feet in area each;
 - d. Unilluminated signs not exceeding a total of six square feet, and not more than two in number pertaining to the sale or lease of a residential dwelling or lot and unilluminated signs not exceeding thirty-two (32) square feet and not more than two in number pertaining to the sale or lease of a commercial or industrial building or lot.
3. Appurtenant signs for uses other than those above and non-appurtenant signs approved as conditional use shall comply with the following regulations:
 - a. The total advertising area permitted to face any abutting street for any parcel of land shall be three hundred (300) square feet plus an additional one-half square foot of that street frontage in excess of fifty (50) feet. Advertising area devoted to non-appurtenant signs shall be subtracted from the total permitted advertising area;
 - b. The total advertising area permitted to face any abutting shoreline shall be one-half square foot for each foot of shoreline frontage;
 - c. No sign shall exceed fifty (50) feet in height;
 - d. No individual sign or composite of symbols or letters shall exceed three hundred (300) square feet in area;
 - e. Signs projecting over public rights-of-way shall not exceed one hundred (100) square feet in area; shall not project more than ten feet or closer than two feet to the edge of the traveled way, whichever is the lesser; shall not rotate; and shall not be closer than ten feet to the ground or sidewalk unless attached to the underside of a projecting canopy, in which case the sign shall not be more than six square feet in area and shall not be closer than eight feet to the ground or sidewalk;
 - f. Plans for (i) projecting signs, excluding canopy signs, or (ii) any free standing sign more than twenty (20) feet high, shall be signed by a registered engineer;

be waived if the wetland is sufficiently fragile or hazardous as to make such access undesirable.

3. The average width of a lot in the urban environment shall be at least fifty (50) feet, subject to the exception as stated in subsection (K)(1) of this section. (Prior code § 11.08.070)

16.20.080 Earth-Changing regulations.

This section applies to all acts, which alter the existing or natural contour of the land, wetland or bottomland. Such acts as mining, dredging, land clearing, grading, road building, land filling and the like. Land, wetland and bottomland shall all be termed "land" for this section.

- A. Land shall be restored to a natural contour after mining.
- B. Protection from siltation and erosion shall be provided for all earth changing acts.
- C. Where landfill does occur, the fill material used shall be such that the leachade resulting from it will cause no more serious a degradation in water quality than naturally occurring leachade from surrounding lands.
- D. Earth changes shall not interfere with free passage of stream and flood waters except where such is specifically intended and authorized. (Prior code § 11.08.080)

16.20.090 Public access.

- A. Provision of public access to appropriate waters is a goal of this master program, and, while the acquisition, development and maintenance of public access facilities is the duty of government, any development which would have the effect of substantially increasing the demand for public access to a particular body of water shall have responsibility of providing government with appropriate areas of land to allow government to discharge its duties. Should the administrator find that a particular form of development or a particular proposal will substantially increase the demand, such finding shall be substantiated with appropriate data and recorded in the office of the administrator.
 1. Projects of which public access dedications are required may satisfy the requirements in any way seen to be appropriate, and harmonious with the project itself.
 2. All methods of satisfying public access requirements shall involve the dedication of lands, whether strips along the shoreline, access road right-of-way, or other useable dedications. Developers are not required by these regulations to improve the dedicated parcels of land other than the survey of such parcels, which is a necessary part of any dedication of lands to be the public. However, this shall not preclude local government from requiring improvements on dedicated parcels as a condition for development.
 3. The administrator may exempt certain projects from the public access requirement on the basis of size of the projects, or if the government already owns a sufficient amount of appropriate land to meet the public access needs.

4. For all projects, the administrator shall examine the possibility of requiring public access dedications and shall make record of his findings in each case.
 5. It is intended that the public access dedications of the project be commensurate with:
 - a. The size of the project;
 - b. The shoreline frontage of the project;
 - c. The characteristics and limitations of the body of water involved;
 - d. The expected demand resulting from the project;
 - e. The existing access facilities;
 - f. The design of the project;
 - g. The existing street pattern;
 - h. The type of access to be given, whether actual, scenic, boat, swimming or other type.
- B. Since each project will have differing characteristics, no attempt will be made in these regulations to standardize public access requirements in terms of amounts of land or dimensions; however, the administrator shall see that each of the above matters relative to public access is considered in the project proposal. (Prior code § 11.08.090)

16.20.100 Restoration.

- A. Restoration of shoreline areas shall mean either returning the area to its natural state, or cleaning up the area to remove litter, debris, abandoned structures, pilings to present a neat and tidy appearance. Restoration of the first type is expected only after a use of structure is to be discontinued or removed such as gravel mines or temporary structures, and then only where the area is not to be turned to other uses or structures.
- B. Restoration of the second type shall occur with or at the completion of all developments. No specific standards are imposed in these regulations as to the degree of tidiness or what specific actions such restoration might require since the characteristics of each development or project will differ.
- C. However, every substantial development permit will contain the administrator's findings concerning restoration. Such findings will include a statement as to whether restorative actions will be required for the project at all, and if such actions are needed, the details of each shall be spelled out on the permit. (Prior code § 11.08.100)

16.20.110 Scenic view and vista regulations.

- A. All applications for substantial development permits must be evaluated for possible detrimental effects on scenic views and vistas. The possible blocking of residential views will be examined. Disruption of scenic vistas will be examined. If some detrimental effects on views or vistas are determined to be the case, the administrator shall make record of the case and place conditions on the permit so as to minimize said detrimental effect. Such conditions may include, but are not limited to:

1. Limitations of height of structures, as per RCW 901.58.320;
 2. Requirements for screening;
 3. Requirements for underground utilities;
 4. Requirements regarding outdoor advertising, decoration and lighting;
 5. Restoration requirements;
 6. Requirements for retention of appropriate vegetation.
- B. Should the administrator determine that there will be no adverse effect on scenic views or vistas, such determination will be noted.
- C. Should a particular project be so disruptive of scenic views and vistas that no amount of special requirements will ease the disruption, then the application may be denied, if the project could reasonably be located elsewhere. (Prior code § 11.08.110)

16.20.120 Valuable site and structure protection regulations.

These regulations are designed to protect sites and structures seen to have historic, education, cultural, scientific or archaeological value.

- A. Where alternative sites can be used, a site or structure recognized as valuable will not be disturbed.
- B. After finding of fact, the legislative body will determine if a site or structure is to be recognized as valuable.
- C. The state of Washington may also declare a site or structure to be valuable.
- D. If there should be an attempt to destroy a valuable site or structure, or potentially valuable site or structure which is yet unrecognized, persons wishing to prevent such destruction may attempt to do so by filing objection with the permit authority. Denial of a permit, which would result in destruction, shall be based only upon:
 1. Other alternatives are economically available to the applicant; or
 2. Objection parties have made a bona fide offer, which results in no economic loss to the applicant, by means of an offer to acquire the site or structure, or similar means. (Prior code § 11.08.120)

16.20.130 Shoreline environment designation map-Adoption of, regulation for.

- A. There is made a part of this program a map which shall be officially known as the "Shoreline Environment Designation Map," but which, for the purpose of brevity, shall be referred to in this program as "the map." There shall be only one official copy of this map, which shall reside in the custody of the city engineer. There may be unofficial copies of this map prepared for administrative purposes. The lines and information displayed on the map shall not be altered except through the procedure presented in Section 16.20.030 of these regulations. The map will show the area of Aberdeen, which is under the jurisdiction of the master program.
- B. Where uncertainty or conflict may occur in the exact location of a jurisdiction boundary line, or environment boundary line, the official

designations prepared by the Department of Ecology will be used. Where this does not resolve the conflict, the following rules will apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be halfway between railroad right-of-way lines.
5. Boundaries indicated as following shorelines of lakes or rivers shall be construed to follow such shorelines two hundred (200) feet to the upland side, and in the event of change in a shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as parallel to our extension of features indicated in subsections (B)(1) through (B)(5) of this subsection shall be so construed.
7. Distances not specifically indicated on the map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the map or in other circumstances not covered by subsections (B)(1) through (B)(6) of this section, the administrator shall interpret the boundaries. (Prior code § 11.08.130)

16.20.140 Urban environment regulations.

- A. Purpose. The urban environment is intended for the most intensive human use of the shoreline. All forms of human development and activity, which make use of shoreline areas, are appropriate for the urban environment.
- B. Uses. All uses listed as permitted in Section 16.20.060 are permissible outright in the urban environment. Conditional uses, as specified in Section 16.20.060, are permissible, subject to the obtaining of a conditional use permit. (Prior code § 11.08.140)

16.20.150 Nonconformities.

- A. Structures. All structures, lawfully erected and maintained in lawful condition prior to the effective date of this chapter and all structures in the process of being lawfully erected prior to the effective date of this chapter but which do not conform to the regulations contained herein, may continue to exist or be completed according to the following provisions:
 1. No conforming structure may be expanded except in conformity to these regulations.
 2. Nonconforming structures, which are destroyed beyond fifty (50) percent of their value, shall not be restored.

3. Nonconforming structures may be maintained and improved; however, such maintenance and improvement shall not have the effect of expanding the size or bulk of the structure.
 4. Uses within nonconforming structures may be changed to conforming uses.
- B. Uses. Uses or activities that do not conform to these regulations but which are ongoing prior to the effective date of these regulations may continue under the following provisions:
1. Nonconforming uses or activities that can be stopped without cost to the user or actor shall cease upon notification from the administrator.
 2. Nonconforming uses or activities that may be altered to conformance and still continue to succeed in their function shall do so.
 3. Nonconforming uses or activities, which will result in increasing or long-term damage to the environment, shall cease upon finding by the hearing board that such increasing or long-term damage is indeed the case. (Prior code § 11.08.150)

16.20.160 Administrator.

The city engineer or an individual designated by him shall be the administrator of this chapter, and shall perform all the duties ascribed to the administrator in this chapter. The administrator shall also serve as secretary and staff to the hearing board, and shall operate the permit and notification systems. The administrator shall be the person responsible for making the judgment called for in these regulations. Whenever phrases like "wherever feasible" or "reasonably assure" or other similar phrases appear in these regulations, a determination must be made for specific cases involving the particular regulations. The administrator shall make these determinations. (Prior code § 11.08.160)

16.20.170 Hearing board.

There is created a hearing board to perform the duties ascribed to such a board in this chapter. The mayor shall appoint a hearing board consisting of three members. The initial membership shall consist of one member appointed for one year, one for two years, and one for three years, and each appointment thereafter will be for a three-year period. The hearing board shall establish a regular meeting date monthly or at whatever interval is seen to be appropriate. The hearing board may call special meetings and such meetings may be held anywhere within the corporate limits; provided, that free public access to the meeting place is provided, and further that all such special meetings are given at least forty-eight (48) hours public notice in the official newspaper and any other appropriate means. The chairman or administrator may call special meetings at any time, or by the motion of the board during a regular or earlier special meeting. The hearing board shall make a decision on a conditional use and/or variance within thirty (30) days from the second notice required in the permit procedure. (Prior code § 11.08.170)

16.20.180 Permits.

Certain forms of development or activity occurring within the area of jurisdiction must be granted permits, termed substantial development permits, prior to commencement of construction or beginning the activity. These forms of development for which permits must be obtained are termed "substantial developments" and are defined by the Act as follows:

"Substantial development" means any development of which the total cost or fair market value exceeds one thousand dollars, or any development which material interferes with the normal public use of the water or shorelines of the state; except the following shall not be considered substantial development for the purpose of this chapter:

- 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 of a barn or similar agricultural structure on wetlands;
- 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 thirty-five (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 designed for pleasure craft only, for the private, noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars (\$2,500.00).
 1. Permit Procedure. Once a potential applicant has determined that he must obtain a permit for a contemplated project, he shall apply for the same on forms provided by the administrator. On the day the applicant submits the completed form along with the application fee and other information, the official permit procedure begins. The administrator shall not accept permit applications containing inadequate completion of the application form or lacking any required material.
 2. Required Information for Application. Each application for permit shall contain:
 - a. Name, address, telephone number of applicant and property owner;
 - b. Substantial development permit fee of one hundred seventy-five dollars (\$175.00) or two hundred fifty dollars (\$250.00) fee for permit with a conditional use or variance;
 - c. Legal description of property;
 - d. Common description of property;

- e. Name of associated shoreline or wetland;
 - f. Drawing or text sufficient to fully explain the intended project which information must include:
 - (i) Indication of size and placement of all structures including bulkheads,
 - (ii) Indication of size, grade, profile of all roads or other vehicular passageways,
 - (iii) Indication of any and all water supplies, sewage disposal facilities and solid waste handling facilities,
 - (iv) Relation of all physical development to the associated shoreline or wetlands,
 - (v) Scale drawings of all bridges or other structures to be built in, on or over streams, marshes, swamps or lakes;
 - g. The intended starting and completion dates;
 - h. The reason, if any, why this project requires a shoreline location as opposed to a non-shoreline location;
 - i. If a variance is being requested, the application shall contain the applicant's reasons why the variance should be granted;
 - j. If a conditional use is being requested, the application shall contain the applicant's explanation of why the conditional use should be granted, including notation of any special features of the proposed project that support the request.
3. Review and Approval Sequence.
- a. Step One. After the administrator has accepted the application, the applicant shall cause two public notices of the application to appear in the official newspaper. These notices shall appear one week apart and contain the information required by the administrator.
 - b. Step Two. Starting from the day of the second notice by the applicant, a thirty (30) day review period will commence during which the administrator shall evaluate the application and collect all relevant data, and communications from persons and agencies wishing to express views on the application.
 - c. Step Three. At the end of the thirty (30) day review period, the administrator shall make a decision to approve or deny the application. This decision will include decisions on any requests for variances or conditional uses made as a part of the application.
 - d. Step Four. The administrator will then transmit the decision(s) by letter to the applicant, the Department of Ecology and the attorney general.
 - e. Step Five. When the Department of Ecology receives the letter of decision, a thirty (30) day review period will

commence, during which appeals to the decision can be made.

- f. Step Six. Should there be no appeal to the decision, either by the Department of Ecology, or by others, the Department of Ecology will allow the decision of the local government to stand, and at the end of the thirty (30) day period, if the local government decision was to approve, and if no other permits are needed or have been granted, the project may proceed. Should there be an appeal, the project applied for may not begin until the state hearings board settles all appeals.
4. Revocation of Permit. The administrator may revoke the permit and halt the project if conditions written on the permit are not fulfilled or are violated or if other of these regulations are violated. Any such revocation shall be in the form of a "cease" or "desist" order from the city attorney, obtained at the request of the administrator and served by him.
5. Development to Adhere to Policy Statements. The administrator shall examine each application for substantial development permit for conflict with the policy statements contained in the master program. No permit will be issued for any project, which violates, abrogates or defies a policy statement. (Prior code § 11.08.180)

16.20.190 Conditional uses.

- A. Conditional uses are those uses which may be permitted to locate in shoreline areas, but are usually seen as uses which either do not need, or depending on the environment, considered not to be suitable for siting in shoreline locations. It is understood, however that there may be special circumstances or a special type or style of conditional use that would make shoreline siting of special cases acceptable to the goals, policies and intentions of the master program.
- B. While most, but not all, uses and activities require substantial development permits, any conditional use, no matter what its particular characteristics, will require a permit before such use may be undertaken. The procedure for obtaining permission to create or conduct a conditional use is the same as the substantial development permit procedure, except that certain additional information will be required.
- C. The applicant must supply whatever evidence, information or agreements to assure the hearing board that the following conditions will be met:
 1. The use will cause no unreasonably adverse effects on the environment or other uses;
 2. The use will not interfere with public use of the public shorelines;
 3. Design of the site will be compatible with the surroundings and the master program;
 4. The proposed use will not be contrary to the general intent of the master program.
- D. A public hearing will be held for all conditional use applications.

- E. Should the hearing board approve the request, the specific conditions of approval, i.e., any specific required structures, designs, or actions of the applicant will be written on the permit issued to the applicant. It is recognized that the conditional use is subject to review by the Department of Ecology as part of the permit. (Prior code § 11.08.190)

16.20.200 Variance.

- A. It is understood that these regulations may cause unnecessary hardships in particular situations, or that these regulations might be unreasonable in light of new evidence, technology or other special circumstances, and that the goals and policies of the master program may not necessarily be served by the strict application of these regulations. Therefore, when a person feels that such special conditions apply to him, he can request a variance from these regulations.
- B. The variance procedure is the same as the substantial development procedure, and it is intended that an applicant may make a joint application for a particular project, as he would have to in most cases anyway, and for variance to any of these regulations, which he deems unreasonable, or provoke an unnecessary hardship in his case. Should a conditional use also be applied for, then all three actions: (a) substantial development, (b) conditional use, and (c) variance, may be applied for in the same application.
- C. In addition to other material required in the application, the applicant must identify each of the provisions in this chapter that he wishes a variance for. Further, the applicant must supply evidence, information and his rationale for each variance sought. This additional material must be, at least from the viewpoint of the applicant, sufficient to satisfy the hearing board that:
 - 1. The hardship, which serves as basis for granting a variance, is specifically related to the property of the applicant;
 - 2. The hardship results from the application of the requirements of the Act and master program and not from, for example, deed restrictions or the applicant's own actions;
 - 3. The variance granted will be in harmony with the general purpose and intent of the master program;
 - 4. The public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be one to the applicant by denying it, the variance will be denied.
- D. Failure to satisfy any one of the above will result in denial of the variance. The medium of variance is to be used only for the relaxation of these regulations as they apply to a permitted use, or in conjunction with an applicant for a conditional use.
- E. The remainder of the variance procedure is identical to that for a conditional use, including the requirement for a public hearing. (Prior code § 11.08.200)

16.20.210 Interpretation.

Where the provisions of this chapter may be unclear in special circumstances, or where judgments must be made because of the nature of the language used, the administrator, or the hearing board, shall make such interpretations and judgments. A record of all such actions taken shall be kept. To avoid arbitrariness, an earlier interpretation or judgment which may relate to a pending action shall be examined by the decision maker for its effect or influence on the pending action, and a finding shall be made indicating whether or not the earlier action was considered relevant to the pending decision and if not so considered, why not, and if so considered, the fashion it was used shall be made public record and kept. (Prior code § 11.08.210)

16.20.220 Appeal.

All of the various actions, which may be taken during the administration, and enforcement of these regulations may be appealed. All of the actions fall into two categories; those actions, which will be automatically reviewed at the state level, and those, which will not be so, reviewed. The appeal procedure contained in the Shorelines Management Act itself provides for an avenue of appeal for all state reviewable actions. For the non-state review actions, an appeal may be filed with the hearing board within thirty (30) days of the date of the action being appealed. The appellant must file his appeal with the secretary of the hearing board. A hearing will be held within ten days of the filing of the appeal. A decision on the appeal will be made within ten days from the date of the hearing. The secretary of the hearing board shall prepare a form for use by the appellants. The secretary of the board will keep a record of the date and nature of each decision. A decision of the hearing board may be appealed to the superior court within thirty (30) days of the date of the action to be appealed. (Prior code § 11.08.220)

16.20.230 Amendments and boundary changes.

Any of the provisions of this chapter or the entire master program, or shoreline management jurisdiction boundary lines, or environment boundary lines may be amended. Such amendment shall first occur in the form of a regular ordinance amendment according to the regular legislative rules of the legislative body; except, that before the legislative body may entertain any amendments, there must first be a public hearing held by the hearing board at which the matter of amendment is presented to the public and their comment entertained. (Prior code § 11.08.230)

16.20.240 Public hearing rules.

Any public hearing conducted as an action of these regulations shall be held according to these rules. The date, time, place and matter of the hearing shall be advertised in the official newspaper at least two days in advance of the date of the hearing. No such advertisement is needed if at the initial hearing it is decided to hold a subsequent hearing on the same, but no additional matter or matters at hand. Where specific pieces of property are involved, hearing notice containing the same information as the newspaper notice shall be sent to record owners of property involved, plus the owners of record of all properties within three hundred (300) feet of the specific piece or pieces of property involved in the hearing. In addition, notice for all hearings involving specific properties shall contain a common and a legal description of the properties involved. (Prior code § 11.08.240)

16.20.250 Violations-Penalties.

In addition to incurring civil liability under RCW 90.58.210, any person found to have willfully engaged in violation of the provisions of this chapter, or regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment. Each day of violation shall be considered a separate and separately punishable offense. (Prior code § 11.08.250)

16.20.260 Miscellaneous provisions.

- A. Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license or approval from any state agency or local government.
- B. Specific provisions of this chapter shall not be construed or limited by the wording or phrasing of the section titles or headings under which they fall.
- C. If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the ordinance codified herein or the application of the provision to other persons or legal entities or circumstances shall not be affected. (Prior code § 11.08.260)