Shoreline Use Priorities

Water oriented uses are preferred along the South and Middle Forks of the Snoqualmie River. Boat launches, bed and breakfast and concession stands, entertainment or cultural facilities are examples of these uses (see Shoreline Use table within NBMC 14.20.270), permitted within both the Urban Conservancy – Recreation/Open Space and Commercial Conservancy designations. In considering non-water oriented commercial development (NBMC 14.20.380) within shoreline jurisdiction, one of the following must occur:

1. *Commercial use is part of a mixed use project with a water-dependent use and provides a significant public benefit - including but not limited to a public access trail, park, or viewing platform;*
2. *Kayak and other water-oriented navigation at the subject site is severely limited;*
3. *The use is physically separated by another property, ROW, or levee; or*
4. *The project avoids shoreline jurisdiction.*

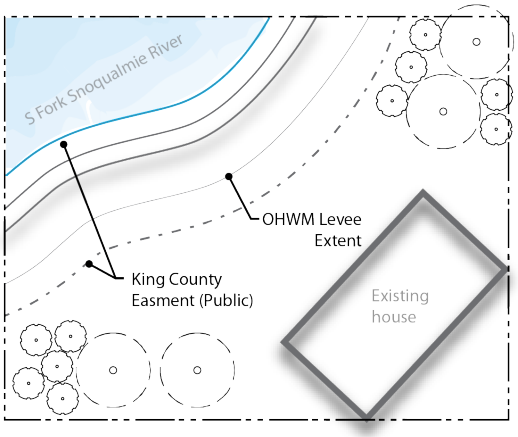
Some uses, such as retail or restaurant space, may trigger a Shoreline Conditional Use Permit[1] with a recommendation to the Washington State Department of Ecology for their approval or denial if the project is not accessory to a public park, public recreation facility, or private recreation facility open to the public (NBMC Table 14.20.270). Otherwise, uses like a parking lot are not water dependent and must avoid shoreline jurisdiction unless there are no feasible alternative location away from the shoreline.

[1]*Both Shoreline Conditional Use Permits (NBMC 14.20.680) and Shoreline Variances (NBMC 14.20.690) must also consider the cumulative impact of a project proposal where future permit authorizations do not result in a substantial detrimental effect.*

Shoreline Use Priorities

Public access (NBMC 14.20.320) is also a consideration with all new development in shoreline jurisdiction, as this is a preferred use (WAC 173-26-221(4)). Shoreline Substantial Development Permits and Shoreline Conditional Use Permits shall provide public access in the following instances:

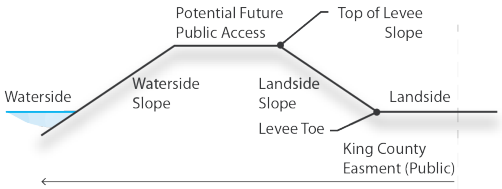
- **A** *Development publicly owned or on public land;*
- **B** *There's an increased demand for public access to the shoreline;*
- **C** *The proposed use, development or activity is not water-oriented;*
- **D** *The proposed use, development or activity discourages established public access or corridors or access to waterbodies subject to the public trust doctrine; or*
- **E** *The proposed use, development or activity includes key areas for public access recommended in the North Bend shoreline restoration plan.*



King County Levee example diagram

If one or more criteria apply below (with the applicant demonstrating by substantial evidence), public access may not be required when the following occurs:

- **A** *Construction of four or fewer single or multi-family homes;*
- **B** *When the development, use or activity makes public access requirements inappropriate due to health, safety, or environmental hazards;*
- **C** *If the development is outside shoreline jurisdiction, even if expanded roads and utilities cross shoreline jurisdiction;*
- **D** *Development has security requirements that are not feasible to address through alternative design features allowing public access including:*
  - *Off-site improvements*
  - *Viewing platforms*
  - *Separation of uses through site planning and design*
- **E** *The economic cost of providing public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity or development;*
- **F** *Safe connections already exist to the existing levee and trail system accessible to the public within a ¼ mile of the site, and the City's parks and open space element shows no public access gap at the site;*
- **G** *Public access posses a threat to natural functions and/or sensitive habitats of the shoreline; or*
- **H** *The site is part of an overall development, binding site plan or planned unit development that already accounts for public access.*



King County Levee Section diagram