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2 **Standard Buffers and Building Setback:** As established in JCC Chapter 18.22, all
3 new uses and developments, including preferred uses and uses exempt from shoreline
4 permit requirements, shall be located landward of the standard buffer plus a ~~510~~-foot-
5 wide building setback unless otherwise specified in this Program. The standard buffer
6 shall be measured landward in all horizontal directions perpendicular to from the ordinary
7 high water mark (OHWM) of the shoreline water body as follows:

8 i. Marine shores.

9 ii. In Shoreline Residential or High Intensity environments the
10 standard buffer shall be 50 feet or one foot for each foot of bank
11 height, whichever is greater. This setback shall be measured from
12 the bank's edge when the bank's height exceeds 10 feet. When the
13 bank's height is less than 10 feet, the setback shall be measured
14 from the ordinary high water mark. The setback shall not exceed
15 100 feet.

16
17 i.vi. In Natural or Conservancy environments A minimum buffer of
18 150 feet shall be maintained in all shoreline environments.

19 ii.vii. Lake shores. A minimum buffer of 100 feet shall be maintained in all
20 shoreline environments.

21 iii.viii. Stream/River shores. A minimum buffer of 150 feet shall be
22 maintained in all shoreline environments.

23 2. **Multiple Buffers:** In the event that buffers for any shorelines and/or critical areas
24 are contiguous or overlapping, the landward-most edge of all such buffers and
25 setbacks shall apply.

26 3. **Buffer Condition:** At least eighty (80) percent of the required shoreline buffer area
27 shall be maintained in a well-vegetated and predominantly natural condition to
28 ensure that it provides the desired ecological buffer functions. Up to twenty (20)
29 percent of the buffer area, or at least 15 linear feet of the water frontage, whichever
30 is greater, may be retained for 'active use' and for shoreline access, provided that
31 such areas are located to avoid areas of greater sensitivity and habitat value. This
32 requirement shall not apply to retroactively existing uses.

33 4. **Buffer Reduction and Averaging:** Proposals that request a reduction of the
34 standard shoreline buffer in 6.1.D.6 of this Program shall not require a shoreline
35 variance if all of the approval criteria in Chapter 18.22.270(6) and (7) are met. All
36 other shoreline buffer reduction or shoreline buffer averaging proposals shall
37 require a shoreline variance.

38 5. **Increased Buffers:** The Administrator may increase the required buffer widths
39 when a larger buffer width is necessary to protect the structure, function and/or
40 character of the shoreline. The buffer may be increased or other protections required
41 when necessary to prevent adverse environmental impacts or address hazards

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1 associated with the site or the proposed land use or development activity. Increased
2 buffers may be required when:

- 3 i. Soil and geologic conditions make the site susceptible to severe erosion
4 and erosion control measures will not effectively prevent adverse
5 impacts to the shoreline; or
- 6 ii. There is evidence of a migrating stream or river channel and increased
7 protection will be necessary; or
- 8 iii. There are potential flooding risks, including risks associated with sea
9 level rise; or
- 10 iv. The land adjacent to the ordinary high water mark is steeply sloped (25
11 percent slope or greater).

- 12 6. **Alternative Protection via Critical Areas Stewardship Plans (CASPs):** If a
13 proponent of a shoreline use or development proposes to modify the buffer width of
14 an SMA-regulated waterbody using the CASP standards described in Article IX of
15 JCC Chapter 18.22, such buffer modification shall require a shoreline variance. If
16 the proposed CASP buffer modification is for a wetland or habitat conservation area
17 that is physically separated from the SMA-regulated waterbody, no shoreline
18 variance shall be required.

19 B. Regulations – Exceptions to Critical Area and Shoreline Buffer Standards

- 20 1. **Nonconforming Lots - Development Allowed without a Variance:** New single-
21 family development on any legal lot in shoreline jurisdiction that is nonconforming
22 with respect to the required buffer standards may be allowed without a shoreline
23 variance when:
- 24 i. The depth of the lot (distance from the ordinary high water mark to the
25 inside edge of the frontage setback) is equal to or less than the standard
26 shoreline buffer as indicated in 6.1.D.6; and
 - 27 ii. The building area lying landward of the shoreline buffer and interior to
28 required sideyard setbacks is not more than twenty five hundred (2,500)
29 square feet and the driveway is not more than eleven hundred (1,100)
30 square feet. The building area means the entire area that will be
31 disturbed to construct the home, normal appurtenances (except
32 drainfields), and landscaping; and
 - 33 iii. Consideration shall be given to view impacts and all single family
34 residences approved under this section shall not extend waterward of the
35 common-line setback as measured in accordance with 6.7.B.; and.
 - 36 iv. The nonconforming lot was created prior to August 27, 1976.
 - 37 v. Appropriate measures are taken to mitigate all adverse impacts,
38 including using low impact development measures such as pervious
39 pavement for driveways and other hard surfaces; and
 - 40 vi. Opportunities to vary the sideyard and/or frontage setbacks are
41 implemented to reduce the nonconformity when doing so will not create

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- 1 a hazardous condition or a condition that is inconsistent with this
2 Program and JCC 18.30; and.
- 3 vii. The residence is located in the least environmentally damaging location
4 relative to the shoreline and any critical areas; and
- 5 viii. There is no opportunity to consolidate lots under common ownership
6 that will alleviate the nonconformity; and
- 7 ix. The lot is not subject to geologic hazards; and
- 8 x. All structures are as far landward as possible and not closer than thirty
9 (30) feet from the ordinary high water mark; and
- 10 xi. At least eighty (80) percent of the buffer area between the structures and
11 the shoreline and/or critical area is maintained in a naturally vegetated
12 condition.
- 13 2. **Nonconforming Lots - Development Requiring a Variance.** Development on
14 non-conforming lots with a building area of more than 2,500 square feet available
15 for a single family residence and normal appurtenances and unrestricted by setbacks
16 or buffers from shorelines or critical areas shall comply with the provisions of this
17 Program.

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20 2. Shoreline Setbacks and Height

21 A. Policies

- 22 1. Standards for density, setbacks, height, and other provisions should ensure no net
23 loss of shoreline ecological functions and/or processes and preserve the existing
24 character of the shoreline consistent with the purpose of the applicable Shoreline
25 Environment Designation.

26 B. Regulations

- 27 1. A building setback of ~~five~~ **ten (510)** feet shall be established on the landward edge of
28 the shoreline buffers required by this Program.
- 29 2. Sideyard setbacks shall be measured from all property lines that intersect the
30 shoreline side of a lot or tract. Five (5) feet of the total required sideyard setbacks
31 may be provided on one side and the balance on the other side.
- 32 3. Pursuant to RCW 90.58.320, no permit may be issued for any new or expanded
33 building or structure more than thirty-five (35) feet above average grade level, ~~when~~
34 ~~such a height will obstruct the view of a substantial number of residences on or~~
35 ~~adjoining such shorelines. Height is measured according to the definition in Article~~
36 ~~2. The project proponent shall be responsible for providing sufficient information to~~
37 ~~the Administrator to determine that such development will not obstruct views as~~
38 ~~described.~~

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- 1 4. Power poles and transmission towers associated with allowed uses and
2 developments are not subject to height limits but shall not be higher than necessary
3 to achieve the intended purpose.

4 3. Common Line Setback

5 A. Policies

- 6 1. Single-family residential development on non-conforming lots should not
7 substantially impair the view of the adjacent residences.

8 B. Regulations

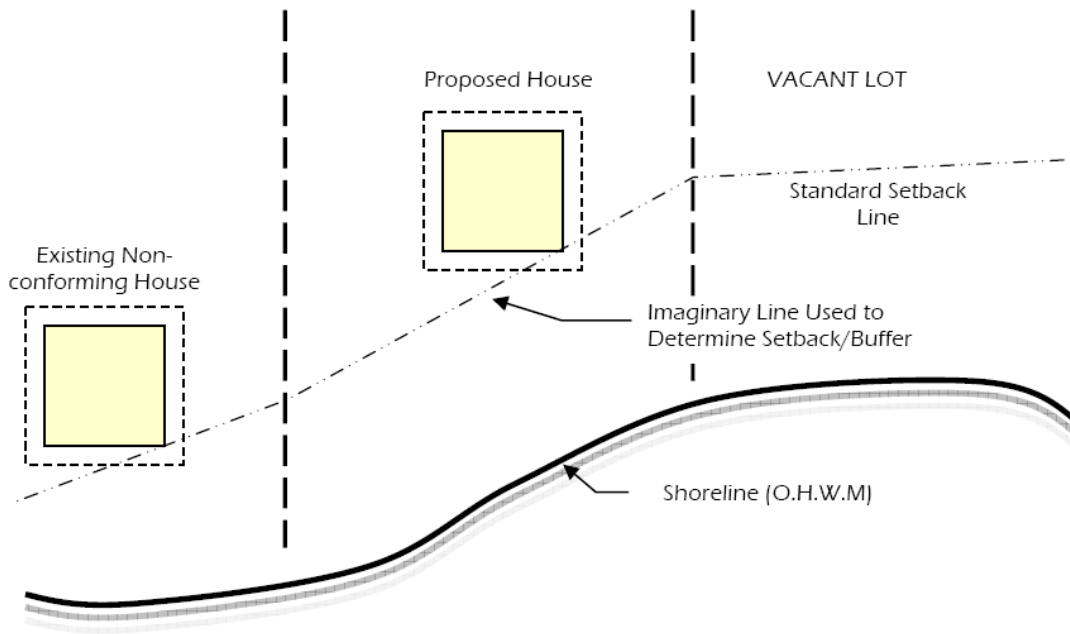
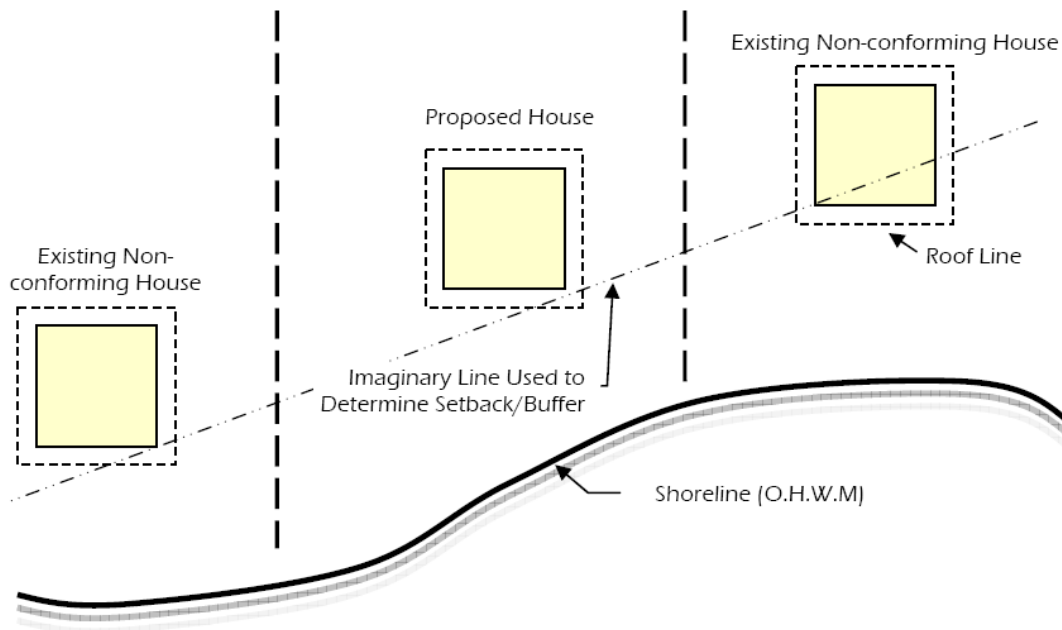
- 9 1. Single-family residential development on non-conforming lots shall meet the buffer
10 standards established in 6.1.D.6 except as provided in 6.1.E.1 and subsection 2
11 below.

12 2. Where a residential buffer was established as part of the approval of a residential
13 subdivision, the established subdivision setback shall take precedence. All buffers shall be
14 measured from the waterward most edge of the structure, excluding decks, eaves, etc.
15 Deviations from this standard shall be reviewed on an individual basis. A request for a
16 deviation shall be considered an administrative variance following the procedures
17 established under JCC 18.25.620 and will be subject to the variance review criteria
18 established under JCC 18.25.590. Unless appealed, a setback deviation rendered by the
19 county or city shall be considered final.

20 2.3. For the purpose of accommodating shoreline views to be adequate and similar to
21 adjacent residences but not necessarily equivalent, setbacks and buffers for single-family
22 residences may be reduced consistent with the following:

- 23 i. Where there are existing legally established ~~non-conforming~~ residences that
24 encroach on the established setback/buffer within ~~fifty-three hundred~~
25 ~~(30050)~~ feet of either side of the proposed residence, the Administrator may
26 reduce the required setback/buffer for the proposed structure. In such cases,
27 the proposed residential structure may be set back from the OHWM to a
28 common line drawn between the nearest corners of each adjacent residence.
- 29 ii. In those instances where only one existing non-conforming single-family
30 residence is within ~~three hundredfifty~~ ~~(30050)~~ feet of the proposed
31 residence, the Administrator may reduce the setback/buffer of the proposed
32 structure to a line drawn between the nearest corner of the existing adjacent
33 residence and the nearest applicable setback for the adjacent vacant parcel.
- 34 iii. Any further setback/buffer reduction for non-conforming lots beyond that
35 allowed in this section shall require approval of a shoreline administrative
36 variance.

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