



Redmond Shoreline Master Program Update

Administration and Procedures

May 2004

20F.10 Administration and Procedures.

20F.10.30 Administrative Interpretations

20F.10.30-090 Administrative Interpretations, Shoreline Master Program
The Administrator may adopt such code interpretations as necessary to administer the shoreline master program policies and regulations. Any formal written interpretations of shoreline policies or regulations shall be submitted to the Department of Ecology for review. (SMP)

20F.10.50 Nonconformances.

20F.10.50-040 Continuance of Nonconformities.

Nonconformities, as defined in Chapter 20A.20.140 RCDG, Definitions, may continue to be used and maintained in accordance with the provisions of this chapter, except as otherwise provided in RCDG 20D.150.150-020, Amortization of Off-premise Signs within the Shoreline and, RCDG [20D.160.10-110](#), Amortization of Nonconforming Sandwich Board Signs. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure. (Ord. 2118)

20F.10.50-090 Alteration or Expansion of a Nonconformance.

- (1) General. The alteration or expansion of a nonconformance is prohibited unless it does not increase the nonconformity, or unless it is specifically permitted through an official action as stated in RCDG 20F.30.15, Types of Review, or as stated below.
- (2) Nonconforming Use. The expansion of a structure containing a nonconforming use is prohibited with the following exceptions. A nonconforming use may be changed to a conforming use.
 - (a) Nonconforming Residential Uses:

- (i) General. A nonconforming residential use may not be expanded to create additional dwelling units.
 - (ii) Single-Family Dwellings. A single-family dwelling on a single lot may be expanded up to 450 square feet of floor area.
 - (iii) Duplex and Multi-family Dwellings. Two or more dwellings may be expanded up to 450 square feet of floor area per unit; provided, that parking for all units is brought into conformance with existing regulations.
- (b) A structure containing a nonconforming use may be altered; provided, that nonconforming landscaping and pedestrian system improvements are brought in to conformance per subsection (4) of this section.
- (c) Nonconforming Shoreline Uses. A nonconforming use located within the shoreline jurisdiction may be expanded pursuant to RCDG 20F.10.50-090 provided the expansion or new use does not create significant additional impacts to the shoreline, including noise, odor, air quality, water quality and visual impacts. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. (SMP)
- (3) Nonconforming Structures. A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity. Provided, however, that nonconforming shoreline structures may be maintained and repaired and may be enlarged or expanded provided that said enlargement or expansion does not extend the structure closer to the shoreline. (SMP) A nonconforming structure shall be brought into full compliance with the Redmond Community Development Guide when alteration or expansion of the structure takes place and the following takes place within any three-year period:
 - (a) The gross floor area of the structure is increased by 100 percent or more; or
 - (b) The costs stated on all approved building permit applications for the structure equal or exceed the assessed value of the structure at the beginning of that three-year period.
- (4) Nonconforming Landscaping and Pedestrian System Area. Nonconforming landscaping, shoreline public access improvements or City Center pedestrian system improvements and other required walkways and trails shall be brought into compliance with the applicable landscaping and screening standards of the Development Guide RCDG [20D.80.10](#), [20D.80.30](#), [20C.40.105](#), and [20C.40.100](#) in accordance with the following:

- (a) When improvements to the building or parking areas do not exceed \$12,000 on any lot in any three-year period, no improvements are required.
 - (b) For improvements to the building or parking area which exceed \$12,000 on any lot in a three-year period, the percentage (by value) of the required landscaping or pedestrian system, to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot improvements up to 100 percent.
 - (c) For the purposes of subsections (4)(a) and (b) of this section, improvements shall not include those improvements required by the City for health and safety reasons, nor ordinary repair and maintenance.
 - (d) The Technical Committee shall have the authority to specify the location and phasing sequence of the landscaping, shoreline public access improvements, City Center pedestrian system improvements and other required trail improvements that fall under this section.
- (5) Nonconforming Parking.....

20F.30.25-030 Application Review and Decision Timeframe.

(2) Exceptions to 20F.30.25-030.

- (a) Preliminary Plats. Pursuant to RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3).
 - (i) The 90-day period shall not include the time spent preparing and circulating a environmental impact statement by the local governmental agency.
 - (b) Decisions on Shoreline Substantial Development Permit Applications for Limited Utility Extensions and bulkheads, as described by WAC 173-27-120, shall be granted or denied within twenty-one days of the last day of the comment period specified in 20F.30.35-020 Notice of Application. (SMP)
- (4) Appeals. Except for decisions regarding applications for Shoreline Substantial Development Permits for limited utility extensions and bulkheads, as described by WAC 173-27-120, the time period for consideration and decision on appeals shall not exceed:
- (a) Ninety days for an open record appeal hearing; and

- (b) Sixty days for a closed record appeal;
- (c) The parties may agree in writing to extend these time periods. Any extension of time mutually agreed upon by the applicant and the City in writing.
- (d) Appeals of decisions issued under WAC 173-27-120 shall be decided within 30 days of receipt of said appeal.

20F.30.30-030 Administrative Decision.

A written record of the Type I decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The department decision shall be based on the applicable Redmond Community Development Guide or other adopted uniform code and shall include any conditions to ensure consistency with the development regulations. The applicant shall be notified of the final decision. All other decisions are final upon expiration of any applicable appeal period, or if appealed, on the date of the appeal body's final decision on the application. (Ord. 2118)

- (a) Decisions of Shoreline Exempt Status. Letters of Shoreline Exempt Status, issued under RCDG 20F.40.120 (2) for activities or development requiring permits listed under WAC 173-27-050 (1) (a) or (b) shall be mailed to the Department of Ecology. The applicant is responsible for determining and disclosing in the Joint Aquatic Resources Permit Application whether permits listed under WAC 173-27-050 (1) (a) or (b) are required. (SMP)

20F.30.35-020 Notice of Application.

20F.30.35-020 (3)

- (xi) Shoreline Substantial Development Permits. In addition to required content listed above, notice of applications for Shoreline Substantial Development Permits must also contain the following information:
 - (A) Statements that
 - a. Any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the application, may submit the comments or requests for decisions to the City within 30 days of the date the notice is published pursuant to this section;
 - b. After exhausting the administrative appeals process with the City of Redmond, those

parties still aggrieved by a decision may appeal the decision pursuant to WAC 173-27-220; and

- c. For limited utility extensions and bulkheads, as described in WAC 173-27-120, the notice shall include a further statement regarding the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance.

20F.30.35-030 Minimum Comment Period.

- (1) The Notice of Application shall provide a minimum comment period of 14 days, except:
 - a. the comment period for applications for Shoreline Substantial Development Permits for limited utility extensions and bulkheads, as described by WAC 173-27-120, shall be 20 days, and (SMP)
 - b. the comment period for applications for all other Shoreline Substantial Development Permits shall be no fewer than 30 days, (SMP)

20F.30.35-070 Notice of Decision.

Section 20F.30.35-070 (1) describes the requirements that apply to all decisions except for decisions of applications for Shoreline Substantial Development Permits. Section (2) describes requirements for decisions of applications for Shoreline Substantial Development Permits.

- (1) The Administrator shall mail notice of the Technical Committee/Design Review Board decision and the SEPA determination, if any, to the applicant and to each person who submitted comments during the public comment period or at any time prior to issuance of the decision. The Notice of Decision shall include a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the Notice of Decision on the issued permit shall contain the requirements set forth in RCDG 20F.20.40, Environmental Review. (Ord. 2118)
- (2) At the conclusion of an administrative appeal proceeding of a Shoreline Substantial Development Permit with the City of Redmond, the Administrator shall mail a copy of the Technical Committee report, permit decision, transmittal sheet and Shoreline checklist to the applicant, Department of Ecology, and the State of Washington Attorney General's Office, pursuant to RCW 90.58.140 and WAC 173-27-130. The permit shall state that construction pursuant to a permit shall not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in RCW

90.58.140 (6); or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of filing as defined in RCW 90.58.140 (5) and (6). "Date of Filing" is that date that the Department of Ecology received a copy of the decision. (SMP)

20F.30.35-075 Termination of Approval.

- (4) Shoreline Substantial Development Permits shall be subject to WAC 173-27-090 - Time requirements of permit apply.

20F.30.35-140 Commencement of Activity.

Except for construction and activities authorized by a Shoreline Substantial Development Permit, ~~S~~some construction activity may commence prior to the conclusion of an appeal. See RCDG 20F.30.60-030(2), Effect of Appeal. (Ord. 2118) Construction and activities authorized by a Shoreline Substantial Development Activity are subject to the time limitations under WAC 173-27-190 - Permits for substantial development, conditional use, or variance and under WAC 173-27-090 – Time requirements of permit apply.

20F.30.35-150 Modification or Addition to an Approved Project or Decision.

See RCDG 20F.40.25, Administrative Modifications. (Ord. 2118). Revisions to Shoreline Substantial Development Permits shall be governed by WAC 173-27-100 - Revisions to permits.

20F.30.40-020 Notice of Application.

- (1) Notice of application for Type III permits shall be provided within 14 days of the determination of completeness pursuant to RCDG [20F.30.25](#), Timeframes for Review. Notice shall be provided as indicated in subsection (2) of this section. If any open record pre-decision hearing is required for the requested project permit(s), the Notice of Application shall be provided at least 15 days prior to the open record hearing.

- (2) Notice of Application Requirements of Type III Permits.

Permit	Mail	Post
Preliminary Plat	X	X
Reasonable Use Exception	X	X
Shoreline Conditional Use	X	X
Shoreline Variance	X	X
Variance	X	X

20F.30.40-020 (3) (a)

- (xi) Shoreline Substantial Development Permits. In addition to required content listed above, notice of applications for Shoreline Conditional Use Permits and Variances must also contain the following information: (SMP)

- (A) Any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the date the notice is published pursuant to this section.
- (B) After exhausting the administrative appeals process with the City of Redmond, those parties still aggrieved by a decision may appeal the decision pursuant to WAC 173-27-220.

20F.30.40-030 Minimum Comment Period.

- (1) The Notice of Application shall provide a minimum comment period of 14 days, except that the minimum comment period for applications for Shoreline Conditional Use Permits and Shoreline Variances shall be 30 days. (SMP) All comments received on the Notice of Application must be received in the Redmond Permit Center by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. The Technical Committee's recommendation on a Type III application shall not be issued prior to the expiration of the minimum comment period.

20F.30.40-100 Notice of Final Decision.

Section (1) below describes the requirements that apply to all decisions except for decisions of applications for Shoreline Substantial Development Permits. Section (2) describes requirements for decisions of applications for Shoreline Substantial Development Permits.

- (1) After the conclusion of the appeal period, or the resolution of a filed appeal, the Administrator shall mail the Notice of Final Decision and the final SEPA threshold determination, if any, to the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision. (Ord. 2118)
- (2) After administrative appeals proceedings have terminated, for Shoreline Substantial Development Permits, the Administrator shall follow section (1) and, pursuant to RCW 90.58.140 and WAC 173-27-130 – Filing with the department, mail a copy of the Technical Committee report, permit decision, transmittal sheet, and Shoreline Checklist to the applicant, Department of Ecology, and the State of Washington's Office of the Attorney General. The permit shall state that construction pursuant to a permit shall not begin or be authorized until twenty-one days from the date the permit decision was filed as provided in [RCW 90.58.140](#) (6); or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the

date of filing as defined in [RCW 90.58.140](#) (5) and (6). “Date of Filing” is that date that the Department of Ecology received a copy of the decision. (SMP)

20F.30.40-105 Termination of Approval.

- (4) Shoreline Conditional Use Permits and Variance Approvals shall be subject to WAC 173-27-090 - Time requirements of permit apply. (SMP)

20F.30.40-110 Appeal of Type III, Hearing Examiner Decision.

- (1) A Type III decision of the Hearing Examiner may be appealed to the City Council as follows:

20F.30.40-130 Commencement of Activity.

Except for construction and activities authorized by a Shoreline Conditional Use Permit or Shoreline Variance, some construction activity may commence prior to the conclusion of an appeal. See RCDG [20F.30.60-030](#)(2), Effect of Appeal. (Ord. 2118) Construction and activities authorized by a Shoreline Conditional Use Permit or Shoreline Variance are subject to the time limitations under WAC 173-27-190 - Permits for substantial development, conditional use, or variance and under WAC 173-27-090 – Time requirements of permit.

20F.30.40-140 Modification or Addition to an Approved Project or Decision.

See RCDG [20F.40.25](#), Administrative Modifications. (Ord. 2118) Revisions to a Shoreline Conditional Use Permit or Shoreline Variance shall be governed by WAC 173-27-100 - Revisions to permits.

20F.40.30 Annexations.

20F.40.30-100 Annexation of Shorelines (SMP)

The City may adopt shoreline environment pre-designations for shorelines located outside of city limits but within the urban growth area. In the event of annexation of a shoreline not pre-designated in the shoreline master program, the City shall develop or amend shoreline policies and regulations to include the annexed area. Such policies and regulations for annexed areas shall be consistent with RCW 90.58 and WAC 173-26 and shall be submitted to the Department of Ecology for approval.

20F.40.120-020 Scope. (SMP)

- (1) Master Program Amendment

The review and approval of amendments to shoreline policies and regulations shall follow the procedures set forth in WAC 173-26-090, WAC 173-26-100, WAC 173-26-110, and WAC 173-26-171 through 251..

(2) Permit Required. Within the shoreline jurisdiction, development shall be allowed only as authorized in a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit or Shoreline Variance Permit unless specifically exempted from obtaining such a permit under Section 20F.40.120-020 (2), Exemptions. Enforcement action by the City or Department of Ecology may be taken whenever a person has violated any provision of the Shoreline Management Act or any Redmond shoreline master program provision, or other regulation promulgated under the Act. Procedures for enforcement action and penalties shall be as specified in 1.14 Redmond Municipal Code. Shoreline jurisdiction includes the following areas:

(a) Shoreline Areas.

- (i) Lake Sammamish, its underlying land, associated wetlands and all areas within the one percent numerical probability floodplain (100-year floodplain) as defined by the most recent Federal Emergency Management Agency map or study, together with those lands extending landward 200 feet from the ordinary high water mark
- (ii) Bear and Evans Creeks where the mean annual flow is 20.0 cubic feet per second or greater and the land underlying the creek in those areas, associated wetlands all lands extending landward 200 feet from the ordinary high water mark on both sides of Bear Creek west of Avondale Road; and all lands extending landward 200 feet from the ordinary high water mark on the south sides of Bear Creek east of Avondale Road and Evans Creek; and all lands extending landward 200 feet from the ordinary high water mark on the north side of Bear and Evans Creek plus all areas within the one-percent numerical probability floodplain (100-year floodplain) as defined by the most recent Federal Emergency Management Agency map or study.
- (iii) Sammamish River and all lands extending landward 200 feet from the ordinary high water mark.

(b) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlap into the shoreline areas.

- (3) Exemptions. Proposals identified under WAC 173-27-040 are exempt from obtaining a Shoreline Substantial Development, however, a Shoreline Variance or Shoreline Conditional Use may still be required. Applicants shall have the burden to demonstrate that the proposal complies with the requirements for the exemption sought as described under WAC 173-27-040. Some exempt development shall not commence until the City of Redmond has issued a Letter of Exemption. Letters of Exemption shall be subject to a Type I permit process. Table 20F.40.120-020 identifies the exemptions existing on the date of this code and categorizes them as requiring or not requiring a Letter of Exemption.

- (4) Revisions to WAC 173-27-040. With subsequent revisions to WAC 173-27-040, the Planning Director shall determine administratively whether a Letter of Exemption is required and issue said decision as an Administrative Interpretation under RCDG 20F.10.30.

The following table discusses when an application is required for a potential Shoreline Exemption.

Table 1 Shoreline Exemptions Process, WAC 173-27-040 (2)

<u>No Application Required*</u>	<u>Application Required**</u>
	Fair market value <= \$5,000 (a)
Construction practices normal for farming (e)	Construction of normal bulkheads (c) ²
Navigational aids (f)	Emergency construction (application submitted after-the-fact if needed) (d)
Operation and maintenance of waterways (i)	Single-family residences (g)
Marking of property lines (j)	Docks <= \$10,000 (h)
Operation and maintenance of dikes and levies (k)	Watershed restoration projects (o)
Projects with certification from the Governor (l)	Fish and Wildlife restoration projects (p)
Site exploration (m)	Normal maintenance and repair of existing uses (b)
Aquatic weed control (n) ¹	

¹ Other State Agency permits may be required.

² Bulkhead construction is only exempt if the proposed bulkhead is located at or near the Ordinary High Water Mark and is needed to protect an existing residence or appurtenant structure from loss or damage by erosion.

* “No Application Required”. These activities do not require an application or letter of exemption, but shall comply with the City of Redmond’s Shoreline Master Program and Redmond Community Development Guide.

** “Application Required”. These activities require a Letter of Shoreline Exemption for the City of Redmond before they may commence. An application shall be on the Joint Aquatic Resources Permit Application form and any other application forms deemed appropriate by the Administrator. Applications may be deemed complete when required forms and attachments are provided consistent with a Shoreline Exemption Development Application Checklist. The applicant shall identify whether the proposal meets the requirements of WAC 173-27-050 (an application which requires a Corps of Engineers Section 10 or Section 404 Approval). If so, a copy of the Letter of Exemption shall be filed with the Department of Ecology.

- (5) Letters of Exemption Required. Applications for Exempt Status may be denied, approved, or conditionally approved through a Type I permit process and in a format approved by the Administrator. The format of the decision shall contain, at a minimum, those items identified under WAC 173-27-050. Copies of the decision shall be sent to the Department of Ecology if the proposed development requires those permits listed under WAC 173-27-050 (1) (a) and (b). The applicant is responsible for determining and disclosing in the Joint Aquatic Resources Permit Application whether permits listed under WAC 173-27-050 (1) (a) and (b) are required.