


King County
**Department of Development
and Environmental Services**

 900 Oakesdale Avenue Southwest
Renton, WA 98057-5212

206-296-6600 TTY 206-296-7217

**SHORELINE VARIANCE:
Information, Instructions and Application**

For alternate formats, call 206-296-6600.

General Information

The following is a summary of the Shoreline Variance application process and a description of the application submittal requirements. The information for a Shoreline Variance application is necessary in order to evaluate the merits of the proposal with applicable County and State regulations and to assess potential community environmental impacts. If required to be submitted, the environmental checklist will be the basis for determining if an environmental impact statement will be required prior to any approval of a shoreline variance.

An application will be evaluated on the basis of the information provided by the applicant, the King County Shoreline Master Program, the State Shoreline Management Act, the King County Comprehensive Plan, pertinent provisions of the King County Code, site inspection, and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area features on the subject property.

Copies of the King County Codes, Comprehensive Plan, and King County Shoreline Master Program are available for inspection at the DDES Permit Center and at the Main Branch of the Seattle Public Library. King County Codes and other development regulations are also available on the Internet via the DDES Web site at www.kingcounty.gov/permits.

Questions related to Shoreline Variances may be answered by calling or contacting:

Department of Development and Environmental Services
Land Use Services Division
900 Oakesdale Avenue Southwest
Renton, WA 98057-5212
Telephone: 206-296-6600

Pre-Application Conference

A pre-application conference with Land Use Services Division (LUSD) staff is required prior to filing a Shoreline Variance application. Pre-application request forms and instructions for filing a pre-application conference request are available online or at the DDES Permit Center. A filing fee is required at the time a request is made, the amount to be determined at the time of filing and based on the latest adopted fee ordinance. LUSD staff will schedule the pre-application conference within thirty (30) days from the date of the request.

Filing an Application

A Shoreline Variance application must be filed in person at the DDES Permit Center. An appointment with a Zoning Technician is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described below. LUSD staff has twenty-eight (28) days from the date of filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After LUSD staff determines that the application is complete, a Notice of Application is issued as specified below. The minimum public comment period for a Shoreline Variance is 30 days, although public comments may be submitted and considered until the time of the decision.

1. LUSD sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the Division may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by LUSD in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by LUSD.

The cost of the board is the applicant's responsibility. LUSD will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to the Division requesting information regarding the SVAR request.

Method for Processing

The decision on a Shoreline Variance is an administrative decision made by the Land Use Services Division (LUSD) in Department of Development and Environmental Services (DDES), subject to review and final approval by the Washington State Department of Ecology (DOE). This process generally takes 120 days provided no appeals are filed or substantial additional information is required. If the proposal is subject to the State Environmental Policy Act (SEPA), LUSD will issue the SEPA threshold determination prior to issuance of the variance decision.

Upon conclusion of the review of the Shoreline Variance, LUSD issues a written permit decision based on the written record. A copy of the decision is mailed to the applicant and to all parties who have written to the division. LUSD also sends the decision to DOE for review and final approval. Appeals of the Shoreline Variance decision must be made to the State Shorelines Hearings Board in Lacey, Washington. Requests for review by the Hearings Board must be received by the Shoreline Hearings Board within twenty-one (21) days of the "date of filing." For an approval, the "date of filing" for the purposes of an appeal is the date that the final DOE decision is transmitted to LUSD and the applicant. For a denial, the "date of filing" for the purposes of an appeal is the date that DOE receives the LUSD decision. Information on appeal procedures may be obtained from the Shoreline Hearings Board at 360-459-6327 or the Washington State Department of Ecology Shoreline Appeals Coordinator at 360-407-6528.

In those cases where a proposed action for a Shoreline Variance also requires other County permits, the following procedures shall apply:

1. When other permits require a public hearing before the Hearing Examiner, the review of the Shoreline Variance shall be combined with the other permit(s), and the Examiner shall be the decision-maker on the variance.
2. When other permits are administratively approved, review of the Shoreline Variance application may be combined with other permits dependent on the granting of the variance.
3. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of Shoreline Variance requests.

Criteria for Approval of a Shoreline Variance

WAC 173-27-170 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- (1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - (e) That the variance requested is the minimum necessary to afford relief; and
 - (f) That the public interest will suffer no substantial detrimental effect.
- (3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - (b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

- (c) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- (5) Variances from the use regulations of the master program are prohibited.

KCC (King County Code) 25.32.040 Permits - variance.

- A. The director is authorized to grant a variance from the performance standards of this master program only under the conditions enumerated WAC 173-14-150 (Review Criteria for Variances).
- B. A variance from county zoning code requirements shall not be construed to mean a variance from shoreline master program use regulations and vice versa.
- C. Shoreline variances may not be used to permit a use that is specifically prohibited in an environment designation.
- D. The burden of proving that a proposed variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.
- E. The fee which shall accompany an application for a shoreline variance shall be as adopted by ordinance. (Ord. 5734 § 15, 1981: Ord. 3688 § 804, 1974).

Submittal Requirements for Filing a Shoreline Variance

Unless otherwise noted, the following listed items are required to be submitted at the time of application. DDES forms referenced below are available via the DDES Web site at www.kingcounty.gov/permits or call DDES customer service at 206-296-6600.

- 1. Land use permit application form: Complete and submit one (1) original and two (2) copies.
- 2. Legal Description: Submit one (1) copy.

On a piece of white, legal-size 8 1/2" X 14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the Assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description along with the Assessor's map outlined in red.

- 3. Assessor's Maps: Submit one (1) set.

Submit up-to-date prints of the Assessor's 1/4 section maps covering the area within the application and all property within 500 feet of the boundaries of it. Outline subject property in red pencil and give a parcel number to each ownership. Prints of these must be ordered from the King County Department of Assessments, Room 700A, King County Administration Building, 500 4th Avenue, Seattle 206-296-7300. (Full sheet Assessor maps are required as part of the submittal package. Do not cut, tape, or alter the maps.)

- 4. Shoreline Management Questionnaire: Submit 3 copies.

5. Site Development Plan – drawn to a convenient engineer scale: Submit 15 copies on uniform sized sheets. Plans must be folded to fit in a legal-sized folder (8-1/2" X 14").

Provide on cover sheet:

- A 6" X 6" blank space in the lower right hand corner for DDES identification stamps.
- Name, address, and day telephone number of owner.
- Name, address, and day telephone number of registered engineer, land surveyor, architect, or planner.
- Legal description (type or print).
- Existing zone classification.
- Existing shoreline environment designation
- A written statement of the general purpose of the project
- Vicinity map – show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers, lakes, and municipal boundaries up to at least 500 feet beyond project boundaries, beginning and end of lineal projects, name of all applicable political (county, city, etc.) jurisdictions.

Site plans – drawn to a convenient engineer scale:

- Map scale and north arrow
- Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color.
- Ordinary high water mark (defined as change in vegetation from beach material to upland vegetation), 100-year floodplain, FEMA floodway, and zero-rise floodway.
- Topography, using 5-foot contour intervals, cross-sections and other means approved by DDES:
 - Show both existing contours and proposed contours on separate plans, clearly indicating existing and proposed contours, as applicable.
 - Provide at least two (2) cross-sections, showing ground elevations and heights of structures with both cross-sections showing the ordinary high water mark and exterior property boundaries.
- Provide accurate dimensions, location, and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Indicate the width of setbacks of structures from property lines. Identify any structures to remain or to be removed. Identify existing wells and/or septic tank and drainfields.
- Maximum height of proposed structures, measured from existing topography.
- Show existing and proposed utilities.
- Indicate beach type: sand, mud, gravel, etc.
- Show and describe proposed excavation or dredging: amount, area, location, and method of spoils treatment
- Show and describe proposed fill areas: type, amount, area and location.
- Show easements, deed restrictions, or other encumbrances restricting the use of the property.

6. Reduced (Site) Plan. Submit one (1) copy of a reduced site development plan on an 8 1/2" X 11" sheet.
7. Water Availability Certificate: Submit three (3) copies, if required by DDES. Note: Not required for Forest Practices Projects.

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan, or for connection with a private well from the Seattle-King County Department of Public Health; or

The Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

8. Sewer Availability Certificate: Submit three (3) copies, if required by DDES. Note: Not required for Forest Practices Projects.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; or

The Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

9. Interim Certificate of Future Water/Sewer Connection: If applicable, submit three (3) copies, if required by DDES. Note: Not required for Forest Practices Projects.

If the site is located in the Urban Growth Area, and an interim on-site sewage system is proposed, consistent with the provisions of K.C.C. 14.24.136, the following information is also required:

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the Director of the Department of Development and Environmental Services that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
- B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.

10. SEPA Environmental Checklist (only if required by K.C.C. 20.44): Submit 20 copies.

Please refer to instructions on the SEPA checklist form. The applicant will be contacted by LUSD if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the SEPA lead agency for this project, also submit 20 copies of the Threshold Determination. If an EIS has been prepared for this proposal, submit three (3) copies of the EIS with the application.

11. Level-One Drainage Analysis (required only if the thresholds for drainage review per the King County Surface Water Design Manual are met): Submit four (4) copies.
12. Conceptual Drainage Plan (required only if the thresholds for drainage review per the King County Surface Water Design Manual are met): Submit (4) copies.
13. Fire District Receipt: Obtain from the local fire district. Submit one (1) copy.
14. Proof of "Legal" Lot Status: Documentation of the date and method of segregation of the subject property. Submit one (1) copy.
15. Certificate/Affidavit of Critical Areas Compliance: Submit one (1) copy.
16. Certificate of Transportation Concurrency (if required by K.C.C. 14.70) – one (1) copy
17. Applicant Status Form: Submit one (1) copy.
18. Copies of variance decisions required per King County Code 21A.
19. List of other issued or pending permits or decisions related to the proposal.
20. Permit Review Fees.
21. Other Documents: (Optional at time of application submittal – LUSD may request or require submittal after application has been filed):
 - A. Special studies or reports (e.g., traffic studies, wetland reports, geotechnical evaluation). Submit four (4) copies.
 - B. Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8-1/2" X 14" legal-sized file folder.

9. Have interested community groups or neighboring property owners been notified about the proposed development? Yes No If yes, who has been contacted and what was their reaction?
10. List the names and addresses of adjacent property owners.
11. Describe how the proposal meets the review criteria for a Shoreline Conditional Use Permit as specified in King County Code 25.32.050 and WAC 173-27-160. Attach additional sheets as needed.

Name of person who prepared this questionnaire:

Print Name

Date

Signature

Check out the DDES Web site at www.kingcounty.gov/permits