

Public Access Policy Paper

Executive Summary:

Public access to shorelines is one of the three major goals of the state's Shoreline Management Act. WAC 173-26 requires local jurisdictions to enact or maintain public access requirements for private development and to enhance public access wherever possible on public lands.

Seattle provides public access to shorelines through a combination of parks, trails, bikeways, street ends, and easements on private property. Generally, the City's goals for improving public access are to add new public access where possible and to improve the connections between existing amenities to create a more integrated network of access points.

The existing SMP requires public access easements for public property, utilities, marinas, piers along the central waterfront, and most non-water-dependent/water-related uses excluding single family homes. General standards for these easements are illustrated in Figures 1-4, although specific variations occur in different environment designations.

A variety of changes are proposed including provisions to improve tracking and enforcement, establish development standards for required public access, and modify requirements for the Urban Stable/Urban Mixed Use and UH environments. An overarching change would be to require public access for water-related uses (which are currently excepted from the requirement along with water-dependent uses).

Finally, DPD has conducted an inventory of existing public access features, and compiled a list of concurrent public access planning efforts involving shorelines. This list is provided to help the CAC consider the feasibility of a City-wide Public Access Plan.

Key Issues

- Do the City's requirements for public access on private land result in meaningful public access? Would the proposals outlined here improve these requirements?
- What is the best approach to public access for public and private shorelines in industrial areas, where safety, security, and impacts to the shoreline environment may complicate access?
- What role should the SMP update play in city-wide public access planning efforts?

Proposed Changes to the SMP

Intent

Access to extensive and varied shorelines is an important benefit of living in Seattle. Heavy recreational use of local shorelines confirms that Seattleites value access to the water. Availability of public access is generally good; in most places in Seattle's shoreline jurisdiction, you are within a quarter-mile of one or more public access points. Public opinion and the mandate provided by the state's Shoreline Management Act mandate both make it clear that the Shoreline Master Program needs to protect and improve shoreline access.

DPD believes that existing SMP regulations on public access are generally effective, but that revisions are needed to clarify and better enforce current requirements for public access easements on private property. Others are needed to comply with new state standards and to simplify the Land Use Code.

The proposals outlined below would help to further implement the following existing Comprehensive Plan goals and policies:

LUG44 Provide for the optimum amount of public access—both physical and visual—to the shorelines of Seattle.

LU235 Increase opportunities for substantial numbers of people to enjoy the shorelines, by permitting non-water-dependent uses providing public access to locate in waterfront areas less suited for water-dependent uses, and by requiring public access on public property.

LU236 Promote public enjoyment of the shorelines through public access standards by requiring improvements that are safe, well designed, and offer adequate access to the water.

LU237 Except for single-family residences, maintain standards and criteria for public access and private use of publicly owned or controlled shorelines to achieve the following:

1. Provide linkages between shoreline public facilities via trails, paths, etc., to connect with terminal boating and other recreational facilities.
2. Indicate by use of signs and graphics all publicly owned or controlled shoreline.
3. If appropriate, offer bonuses for the provision of public access in private property.
4. Require public agencies such as the City, Port of Seattle, and King County Metro, etc., to provide public access opportunities at new shorelines facilities and encourage these agencies to provide similar opportunities in existing facilities.
5. Provide standards and criteria for view and visual access from upland and shoreline areas.
6. Give priority to the operating requirements of the water-dependent and water-related uses over preservation of views in those environments where water-dependent uses are encouraged.
7. Limit off-premise signs and regulate other signs to enhance and protect views.

LUG53 Manage publicly owned shorelines that are suitable for public recreation to optimize their potential.

LUG54 Increase the amount of shorelines dedicated to public recreation and open space.

LU258 Allow for increased opportunity for the public to enjoy water-dependent recreation including boating, fishing, swimming, diving and enjoyment of views.

Changes to Land Use Code

Tracking, Enforcement, and Development Standards for Public Access

DPD proposes new actions to improve the accessibility and enforcement of public access easements required on private property:

- Inventory existing public access easements and set up a system to track new ones.
- Provide a continually updated list to the public, both to encourage use and enjoyment of the sites and to allow citizens to file complaints where property owners are blocking required access points.
- Provide list to DPD's shoreline inspector to implement randomized annual site checks.

A second set of proposals would establish development standards for public access amenities. These standards would apply to required public access on private as well as improvements on public land, and would result in higher-quality amenities as well as a clearer permitting process for applicants and reviewers. Standards include:

- Public access easements must be separated from private uses through landscaping or other appropriate screening unless the private spaces include uses that are open to the public.
- Required public access must provide connections to trails, parks, and other public amenities wherever feasible.
- New overwater coverage for public access is prohibited except for limited circumstances (such as public fishing piers or hand-carried boat launches).
- Paths and other public access features must avoid disturbance of mature trees and established native vegetation.
- Signs for public access features on private property must share certain standardized elements: signs must be weatherproof, say "Shoreline public access point," be clearly readable from the right-of-way, use a consistent logo, and be approved by the Director.

Location & Scale of Public Access

One overarching proposal is driven by the new state guidelines. Currently, Seattle provides exceptions for both water-dependent and water-related uses from public access requirements. The WAC, however, specifically calls for public access requirements to be applied to water-related uses. Accordingly, it is proposed to only provide an exception for water-dependent uses. Because of the safety and compatibility issues that are frequently present with industrial uses in UM and UI environments, DPD is considering allowing the following alternatives for public access on non-water-dependent industrial uses:

- Payment-in-lieu toward regional public access plans on the Duwamish and Lake Union/Ship Canal, or
- Ecological restoration requirements beyond standard mitigation (to be provided as an alternative public benefit). In this scenario, public access goals would be met through City projects in parks and street ends.

Another set of proposals would modify requirements for Urban Mixed Use areas on Lake Union:

- DPD is exploring options to allow development projects to meet part of their public access requirements through payment-in-lieu to help fund the Cheshiahud Loop around the lake.
- Remove the exception from public access requirements for parcels less than 100' wide when they are adjacent to street end access points. There is no specific problem associated with parcels adjacent to street ends, so the exception appears to unfairly favor these parcels – the real concern should be whether easements can be accommodated on narrow parcels. DPD proposes to remove the exception as it relates to street ends, and is considering a general exception for parcels below a certain width.

Also in the Urban Stable environment, sites are currently required to provide additional public access features if less than 40% of the dry land portion contains water-dependent uses (see details in “Background” section below). DPD proposes to modify the additional public access requirements as follows:

- Require major open space including a waterfront walkway instead of other public access options, unless it is infeasible due to parcel size or incompatibility with water-dependent uses.
- Allow counting of vegetated shoreline buffer square footage in determining size of public access; this would prevent conflicts with restoration goals/requirements.
- Provide development standards for public access to prevent excessive paving of shoreline & encourage useable public space

Format of Public Access Section

Public access requirements are spread throughout the shoreline environment development standards. Because they are generally consistent with each other, DPD proposes to consolidate these requirements into general development standards. This would shorten and simplify the code. Specific variations would still be included in shoreline environment sections as needed.

Public Access Inventory and Planning

DPD has conducted an inventory of existing public access amenities to fulfill the state's inventory and characterization requirements. This inventory will be provided to the public to help individuals find, enjoy, and track public access features over time.

Additionally, DPD has compiled a list of existing public access planning initiatives. This list will help in determining the most effective role of the SMP update in coordinating and/or prioritizing public projects which include shoreline access improvements. The following city planning initiatives were reviewed in determining our policy approach and will be considered in future planning:

- Street End plan - http://www.seattle.gov/transportation/stuse_stends.htm
- Open Space 2100 - <http://depts.washington.edu/open2100/>
- Blue Ring - http://www.seattle.gov/dpd/Planning/CityDesign/What_We_Do/UrbanDesignProjects/default.asp
- Bands of Green - http://www.seattleparksfoundation.org/project_BandsOfGreen.html
- Central Waterfront Plan - http://www.seattle.gov/dpd/Planning/Central_Waterfront/Overview/
- Light Rail Planning
- Port Public Access Plan - <http://www.portseattle.org/community/resources/publicaccess.shtml>
- Water Trails - <http://www.wwta.org/trails/L2L/>
- Trust for Public Land Puget Sound Shoreline Strategy Report and Map - http://www.tpl.org/tier3_cd.cfm?content_item_id=19979&folder_id=262
- Bicycle Master Plan - <http://www.seattle.gov/transportation/bikemaster.htm>

DPD is considering development of a Shoreline Public Access Plan in late 2009. A Shoreline Public Access Plan might accomplish the following:

- Identify opportunities for integrating existing city public access plans
- Identify priority areas for future improvement of public open space
- Assess opportunities for allowing contribution to off-site public access in lieu of on-site requirements
- Develop detailed plans for public access opportunities in industrial areas

Background Information

Existing Regulations

Regulations describing where public access is required are listed in the shoreline environment sections (Seattle Municipal Code 23.60.240 through 23.60.784). Generally, public access is required on waterfront properties containing any of the following:

- Public Property

- Utilities
- Multifamily residences with more than 4 units
- Other non-water-dependent/water-related uses (excluding single-family residential)
- Marinas
- Yacht, boat and beach clubs with non-water-dependent facilities over water in the US, UI, and UM environments.
- All waterfront lots in the UH environment.

Public access consists of a “physical improvement in the form of any one or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public” and shall at a minimum consist of an “improved walkway at least 5 feet wide on an easement 10 feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed”. Specific standards for design, maintenance, hours of access, and signage are also provided. See Figure 1 for an illustrated summary.

Public access in the UH environment consists, at minimum, of a 10 foot wide public access walkway along one side and the seaward end of the pier. This access must equal at least 15% of the developed lot area or 5,000 sq ft, whichever is greater. See Figure 4.

In the Urban Stable environment, additional public access is required when a lot contains non-water-dependent commercial uses and water-dependent uses occupy less than 40% of the dry land portion of the lot. These developments must provide public access in addition to the minimum pathway through one of the following: facilities for a historic vessel; terminal facilities for cruise ships, tour boats, or ferries; facilities for maritime museum or interpretive center; substantial saltwater recreational moorage; a major open space occupying at least one-third of the dry-land area; or other facilities that provide a similar opportunity for public access.

Public access for marinas varies by size. Marinas with less than 2,000 linear feet of moorage space have no requirement. Marina with 2,000-9,000 linear feet must provide a 10 foot easement to the water and at least 10 feet of water frontage for every 100 feet of the marinas total frontage (10%). Marinas with more than 9,000 linear feet must provide a 10 foot easement along the entire of the marina waterfront. See Figures 2 and 3.

Specific code language is listed below.

SMC 23.60.160 Standards for regulated public access.

A. 1. Regulated public access shall be a physical improvement in the form of any one (1) or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access

may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.

2. The minimum regulated public access shall consist of an improved walkway at least five (5) feet wide on an easement ten (10) feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint.

3. Maintenance of the public access shall be the responsibility of the owner or developer.

B. The Director shall review the type, design, and location of public access to insure development of a public place meeting the intent of the Shoreline Master Program. The Director shall consider the following criteria in determining what constitutes adequate public access on a specific site:

1. The location of the access on the lot shall be chosen to:

a. Maximize the public nature of the access by locating adjacent to other public areas including street-ends, waterways, parks, other public access and connecting trails;

b. Maximize views of the water and sun exposure; and

c. Minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.

2. Public amenities appropriate to the usage of the public access space such as benches, picnic tables, public docks and sufficient public parking to serve the users shall be selected and placed to ensure a usable and comfortable public area.

3. Public access shall be located to avoid interference with the use of the site by water-dependent businesses located on the site.

C. Regulated public access may be limited as to hours of availability and types of activities permitted. However, twenty-four (24) hour availability is preferable and the access must be available to the public on a regularly scheduled basis.

D. Regulated public access shall be open to the public no later than the time of the Director's final inspection of the proposed development which requires public access.

E. Regulated public access and related parking shall be indicated by signs provided by the applicant, of standard design and materials prescribed by the Director. The signs shall be located for maximum public visibility.

F. All public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Department of Records and Elections.

G. For shoreline development requiring more than one (1) substantial development permit or extending for more than one thousand (1,000) lineal feet of shoreline, regulated public access shall be required in the context of the entire project as follows:

1. A shoreline development which requires more than one (1) substantial development permit need not provide separate regulated public access for each permit, but public access shall be provided in the context of the entire development.
2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project components intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.
3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.
4. A minimum of one (1) public access site shall be provided for each three thousand five hundred (3,500) lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions.

1. The requirement for one (1) public access site for each major terminal or facility shall be waived if the terminal or facility is included in a public access plan approved by the Council and the applicant complies with the plan.
2. In lieu of development of public access on the lot, an applicant may choose to meet the requirement for public access through payment or by development of public property when the applicant's lot is located in an area included in a public access plan approved by the Council. To be permitted, payment in lieu or development off-site must be permitted by the approved public access plan.
3. Regulated public access shall not be required where:
 - a. The cost of providing public access is unreasonably disproportionate to the total cost of the proposed development; or
 - b. The site is not located in an area covered by a public access plan approved by the Council and one (1) of the following conditions exists:
 - (1) Unavoidable hazards to the public in gaining access exist,

- (2) Inherent security requirements of the use cannot be satisfied,
- (3) Unavoidable interference with the use would occur, or
- (4) Public access at the particular location cannot be developed to satisfy the public interest in providing a recreational, historical, cultural, scientific or educational opportunity or view.

The exceptions in subsection H3b above apply only if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated from the potential hazard or interference through barriers such as fencing and landscaping and provision of access at a site geographically separated from the development site but under the control of the applicant.

4. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The Director may authorize regulated public access to be temporarily or permanently closed if it is found that offensive conduct cannot otherwise be reasonably controlled.

SMC 23.60.200 Recreational marinas

E. Public access shall be provided as follows:

- 1. The minimum public access for a marina providing less than nine thousand (9,000) feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to an area located at the water's edge, which area shall be at least ten (10) feet wide and shall provide at least ten (10) feet of water frontage for every one hundred (100) feet of the marina's water frontage.
- 2. The minimum public access for a marina providing nine thousand (9,000) or more feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to a public walkway at least five (5) feet wide on an easement at least ten (10) feet wide located along the entire length of the marina's water frontage.
- 3. Marinas which provide less than two thousand (2,000) lineal feet of moorage space and which contain only water-dependent or water-related principal uses are exempt from this public access requirement.

SMC 23.60.400 Regulated public access in the CR Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments containing more than four (4) units with more than one hundred (100) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development; and

b. Other nonresidential non-water-dependent developments.

2. Water-dependent uses and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

SMC 23.60.460 Regulated public access in the CM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length measured at the upland street frontage generally parallel to the water edge and which abut upon a street or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

SMC 23.60.578 Regulated public access. (UR)

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than seventy-five (75) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and

c. Marinas, except as exempted by Section 23.60.200 E.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent uses other than marinas and water-related uses; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

SMC 23.60.638 Regulated public access. (US)

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than one hundred (100) feet of shoreline, except when uses located on salt water shorelines where

public access from a street is available within six hundred (600) feet of the proposed development;

- b. Developments containing non-water-dependent offices in the Lake Union area;
- c. Other non-water-dependent uses, except those on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;
- d. Marinas, except as exempted by Section 23.60.200 E; and
- e. Yacht, boat and beach clubs which have non-water-dependent facilities over water.

2. The following uses are not required to provide public access on private lots:

- a. Water-dependent and water-related uses, except yacht, boat and beach clubs which have non-water-dependent facilities over water, and marinas; and
- b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.

SMC 23.60.702 Regulated public access in the UH Environment.

A. Waterfront Lots. The following standards shall apply to waterfront lots except as provided in subsection C below:

- 1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen (15) percent of the developed lot area or five thousand (5,000) square feet, whichever is greater.
- 2. Developments shall provide at least a ten (10) foot wide public access walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier apron.

B. Upland Lots. Public access is not required.

C. Public Access Exceptions. Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

- 1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and

2. Alternative access criteria of Section 23.60.160 cannot be satisfied.

SMC 23.60.758 Regulated public access in the UM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E,

b. Yacht, boat and beach clubs that have non-water-dependent facilities over water,

c. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access;

2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have non-water-dependent facilities over water are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

SMC 23.60.818 Regulated public access in the UG Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

SMC 23.60.882 Regulated public access in the UI Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;

c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private property, except for yacht and boat clubs which have nonwater-dependent facilities over water and marinas, are not required to provide public access.

3. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

Seattle Comprehensive Plan

Shoreline access goals

LUG44 Provide for the optimum amount of public access—both physical and visual—to the shorelines of Seattle.

LUG45 Preserve and enhance views of the shoreline and water from upland areas where appropriate.

Shoreline access policies

LU235 Increase opportunities for substantial numbers of people to enjoy the shorelines, by permitting non-water-dependent uses providing public access to locate in waterfront areas less suited for water-dependent uses, and by requiring public access on public property.

LU236 Promote public enjoyment of the shorelines through public access standards by requiring improvements that are safe, well designed, and offer adequate access to the water.

LU237 Except for single-family residences, maintain standards and criteria for public access and private use of publicly owned or controlled shorelines to achieve the following:

1. Provide linkages between shoreline public facilities via trails, paths, etc., to connect with terminal boating and other recreational facilities.
2. Indicate by use of signs and graphics all publicly owned or controlled shoreline.
3. If appropriate, offer bonuses for the provision of public access in private property.
4. Require public agencies such as the City, Port of Seattle, and King County Metro, etc., to provide public access opportunities at new shoreline facilities and encourage these agencies to provide similar opportunities in existing facilities.
5. Provide standards and criteria for view and visual access from upland and shoreline areas.
6. Give priority to the operating requirements of the water-dependent and water-related uses over preservation of views in those environments where water-dependent uses are encouraged.
7. Limit off-premise signs and regulate other signs to enhance and protect views.

LU238 Waterways in Lake Union and Portage Bay are for public navigation access and commerce and, in general, the City shall not request that the designation be removed from waterways. The City may request that waterways be vacated only when the city reclaims the area as street right of way or for public park purposes. The City may request that the dry land portion of a waterway be redesignated for the additional purpose of providing permanent public access improvements.

Recreation goals

LUG53 Manage publicly owned shorelines that are suitable for public recreation to optimize their potential.

LUG54 Increase the amount of shorelines dedicated to public recreation and open space.

LUG55 Identify, protect and reserve for public use and/or enjoyment those areas containing special shoreline qualities that cannot be easily duplicated. recreation policies

LU258 Allow for increased opportunity for the public to enjoy water-dependent recreation including boating, fishing, swimming, diving and enjoyment of views.

LU259 Designate as suited for water-dependent recreation areas having natural beaches, large amounts of submerged land for moorage or sheltered waters and the absence of heavy ship traffic and incompatible heavy industry.

LU260 Provide for recreational boating facilities including terminals, moorage and service facilities on publicly-owned land and encourage the provision of such facilities on private property, if the environmental impact is acceptable.

LU261 Increase publicly-owned shorelines, giving priority to those areas that lack recreational facilities.

LU262 Explore alternative means (other than acquisition) to provide public recreation at the shoreline and on the water.

LU263 Use submerged lands for underwater parks when feasible.

State Guidelines

WAC 173-26-221 (4), Public access.

(4) Public access.

(a) Applicability.

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions below apply to all shorelines of the state unless stated otherwise.

(b) Principles.

Local master programs shall:

- (i) Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
- (ii) Protect the rights of navigation and space necessary for water-dependent uses.
- (iii) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

- (iv) Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

(c) Planning process to address public access.

Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access. Such a system can often be more effective and economical than applying uniform public access requirements to all development. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and recreation. The planning process shall also comply with all relevant constitutional and other legal limitations that protect private property rights.

Where a port district or other public entity has incorporated public access planning into its master plan through an open public process, that plan may serve as a portion of the local government's public access planning, provided it meets the provisions of this chapter. The planning may also justify more flexible off-site or special area public access provisions in the master program. Public participation requirements in WAC 173-26-201(3)(b)(i) apply to public access planning.

At a minimum, the public access planning should result in public access requirements for shoreline permits, recommended projects, port master plans, and/or actions to be taken to develop public shoreline access to shorelines on public property. The planning should identify a variety of shoreline access opportunities and circulation for pedestrians—including disabled persons—bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

(d) Standards.

Shoreline master programs should implement the following standards:

- (i) Based on the public access planning described in (c) of this subsection, establish policies and regulations that protect and enhance both physical and visual public access. The master program shall address public access on public lands. The master program should seek to increase the amount and diversity of public access to the state's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.
- (ii) Require that shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where public access planning as described in WAC 173-26-221(4)(c) demonstrates that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations, local governments may institute master program provisions

for public access based on that approach in lieu of uniform site-by-site public access requirements.

- (iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and non-water-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:
 - (A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).
 - (B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.
 - (C) For individual single-family residences not part of a development planned for more than four parcels.
- (iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- (v) Assure that public access improvements do not result in a net loss of shoreline ecological functions.

WAC 173-26-211, Environment Designation Systems

"Aquatic" environment management policies.

(A) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

"High-intensity" environment management policies.

(D) Where feasible, visual and physical public access should be required as provided for in WAC [173-26-221](#) (4)(d).

"Urban conservancy" environment management policies.

(C) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

"Shoreline residential" environment purpose.

The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

"Shoreline residential" environment management policies.

(B) Multifamily and multilot residential and recreational developments should provide public access and joint use for community recreational facilities.