

## PUBLIC ACCESS

### INTRODUCTION

Shoreline public access is the physical ability of the public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including handicapped), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others. The public may include members of an entire region, members of a neighborhood, users of a waterfront commercial development, residents of a specific subdivision, or others as appropriate.

### POLICIES

1. Public Access should be required for all new private and public developments (including land division) with the exception of the following:
  - a. One and two family dwelling units; or
  - b. Agricultural/ranching activities, not including dikes; or
  - c. Where deemed inappropriate due to health, safety, and environmental concerns.
2. When restrictions on access are deemed necessary for the health, safety or welfare of the public or for the protection and maintenance of the particular site, the type and extent of public access should be defined through precedent established by Shoreline Hearing Board decisions. Restrictions on access may delineate times of access or allow access only to residents of a certain community or development, but may not be based on race, sex, color, creed or physical disability.
3. Development, uses and activities on or near the shoreline should not impair or detract from the public's present, historical or potential access to the shoreline.
4. Public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment and should be designed with provisions for physically disabled persons.
5. Publicly-owned shorelines should be used only for water-dependent or public recreational uses, or should remain protected open space.
6. Public access afforded by shoreline street-ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
7. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
8. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
9. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to allow excessive removal of vegetation that partially limits views.

10. Shoreline development shall be designed and constructed to preserve public views of the water (for example, from roads and public properties) to the greatest extent feasible. Existing and potential views may be impacted only if exempted under the requirements of Regulation 1 of this section.

## REGULATIONS

1. In the review of all shoreline substantial development or conditional use permits, consideration of public access shall be required. Provisions for adequate public access shall be incorporated into a shoreline development proposal (including land division) unless the applicant demonstrates that one or more of the following provisions apply:
  - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
  - d. Unacceptable environmental harm will result from the public access which cannot be mitigated;
  - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
  - f. The applicant has first demonstrated and the county has determined that all reasonable alternatives have been exhausted, including but not limited to:
    - i. Regulating access by such means as maintaining a gate and/or limiting hours of use;
    - ii. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
    - iii. Provisions for access at a site geographically separated from the proposal such as a street end, or other public access such as a park, vista or trail system.
2. Development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.
3. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (RCW 35.79.035 and RCW 36.87.130).
4. Where feasible, public access sites shall have direct and easy access from a public road and shall include provisions for physically disabled persons.
5. Required public access sites shall be fully developed and available for public use at the time of first occupancy or use of the development or activity.

6. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of the authorized land use and for heirs and successors in interest as long as the permitted use continues. Said recording with the County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110).
7. Width of public access easements shall be determined on a case-by-case basis, based on, but not limited to, type of use, topography, existing vegetation and site constraints, but in no instance will be narrower than 10 feet nor wider than 30 feet. In cases where the applicant believes the required easement creates a hardship, the applicant may apply for a Shoreline Variance permit in order to reduce easement width.
8. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. In accordance with regulation 1(f), signs may control or restrict public access as a condition of permit approval.
9. Future actions by the applicant, the heirs and successors in interest or other parties, shall not diminish the usefulness or value of the public access provided.

(Amended Ordinance 93-036, June 9, 1993)