

#### 4.6.2 **Controlled Access Lots and Easements** *(AS AMENDED 3 July 2007)*

- A. **Purpose.** To ~~manage~~ **regulate private access to public waters so as to prevent** water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shorelands, ~~shoreland controls must regulate access to public waters.~~
- B. ~~Access lots.~~ **Controlled Access lots**, or parcels of land that provide access to public waters for owners of riparian or nonriparian lots ~~within subdivisions~~, may be allowed **with where the local government approval, either through the subdivision process or a conditional use permit.** ~~determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of nonriparian lots or parcels shall be prohibited. Where allowed by local governments, Controlled access lots shall meet or exceed the following standards:~~
- ~~1. These access lots shall also comply with all of the dimensional standards under the ordinance.~~
  - 2. A controlled access** lots shall be suitable in their natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, but is not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
  - 3. Controlled Access** lots shall meet or exceed the shoreland vegetation buffer standards and have a vegetation management plan approved by the local government.
  - 4. The lot must meet the area and width requirements for residential lots as specified for the particular shoreland district.**
  5. Where more than six subdivision lots are served, the width of the **controlled** access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
  6. The impervious surface coverage for **controlled** access lots must not exceed 12 percent of lot area, and stormwater management shall meet all relative standards.
  7. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking, but shall not include residential or commercial uses.
  - 8. A controlled access lot will be limited to a single dock facility with continuous boat mooring limited to one per watercraft per lot served.**
  - 9. The use of recreational vehicles and overnight camping is prohibited on controlled access lots.**
  - 10. One (1) storage structure shall be allowed per controlled access lot, subject to Section 4.6.13. The following storage structure uses are prohibited: commercial uses and residential uses including, any structure with a dwelling unit.**

- ~~11. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations.~~
  12. All parking areas, storage buildings, and other facilities should be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
  13. **The controlled access** lots must be jointly owned by all ~~of those~~ **owners/purchasers of lots (riparian and non-riparian)** lots having rights of usage of the access lot and **be** governed by an owner's association.
  14. **Covenants or other equally effective legal instruments must be developed that:**
    - a. **Specify which lot owners have authority to use the access lot;**
    - b. **Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;**
    - c. **Identify what activities are **not** allowed including but not limited to, overnight camping and storage of vehicles, renting out of the site, etc.**
    - d. **Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water;**
    - e. **Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view of the public water, assuming summer, leaf-on conditions.**
  - ~~15. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot.
    - a) ~~A single dock and boat launching ramp may be permitted and no owner shall own an individual dock.~~
    - b) ~~Boating facilities must be located adjacent to the deepest water available.~~
    - c) ~~Continuous boat mooring shall be limited to one watercraft per lot served.~~
    - d) ~~The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot.~~
    - e) ~~These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners.~~~~
  - ~~16. The owner's association shall enforce covenants.~~
- C. Controlled access lots.** ~~Controlled access lots, or any lot, tract or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of nonriparian lots, shall be restricted to having a single dock, no permanent watercraft, no loading or unloading of watercraft from lot and no structures on the access lot.~~