

S1

Proposed No.: 2024-0408

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18 C. King County reviewed BAS and updated its critical areas policies and
19 development regulations. The county's current BAS review builds on the county's 2004
20 BAS review and was informed by ~~the~~ GMA and state guidance documents, updated BAS
21 for critical areas developed by state natural resources agencies, supplemental scientific
22 literature, county experience in implementing critical area regulations since 2004,
23 consideration of the county's unique land use context, and the need to meet ~~sometimes~~
24 ~~competing~~~~multiple~~ GMA goals.

25 D. The October 2024 Best Available Science Review and Updates to Critical
26 Areas Protections report summarizes GMA requirements for review and inclusion of
27 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes
28 tribal consultation and community engagement, details the approach and scope for BAS
29 review, reviews Comprehensive Plan considerations, and identifies regulatory updates
30 and non-regulatory actions to strengthen protection and ensure no net loss of critical areas
31 functions and values. As required by GMA, where policies and development regulations
32 depart from BAS, the report provides information and rationale to support departures,
33 assesses potential risks to critical areas functions and values, and describes regulatory and
34 nonregulatory actions to mitigate risk.

35 E. Comprehensive Plan policies, land use designations, zoning classifications,
36 and development regulations work in concert with non-regulatory actions, including land
37 conservation and habitat restoration to ensure no ~~net~~ loss of critical area functions and
38 values.

39 F. The proposed updates to critical areas regulations ~~have the effect of~~
40 ~~strengthening~~ protections for critical areas functions and values while advancing the

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goals of GMA, including the designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County.

~~G. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 9.14, 16.82, 21A.06, 21A.16, 21A.22, and 21A.24, and K.C.C. 17.04.010. For the purposes of RCW 70A.355.030, King County declares critical aquifer recharges areas to be environmentally sensitive areas.~~

Commented [JN4]: Removes outdated information.

~~HG.~~ The adoption of this ordinance completes all the requirements of the update required under RCW 36.70A.130.

SECTION 287.

Commented [JN5]: This was at the bottom of the ordinance. It was moved (not shown in track changes) to the correct location.

A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance ~~XXXXXX (Proposed Ordinance 2024-0440)~~ 19881.

B. The elements of the 2024 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The elements of the King County Shoreline Master Program in sections ~~4149, 4250, 4452.A., B.2., C.2., D., and E., 60, 5261, 5362, 63, 5666, 5867, 5968, 70, 6071, 72, 73, 63, 6781, 6882, 6983, 7084, 7185, 7286, 7387, 7488, 7589, 7690, 92, 7793, 7895, 7996, 8097, 8198, 8299, and 86104.B.~~ of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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64 SECTION 32. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051
65 are hereby amended to read as follows:

66 A. ~~((For the purposes of this section, t))~~ The definitions in K.C.C. 16.82.020 apply
67 to the activities described in this section. If a term is not defined, then the definition in
68 K.C.C. chapter 21A.06 shall apply ((to the activities described in this section, if the terms
69 are not defined in K.C.C. 16.82.020)). Where definitions in K.C.C. 16.82.020 differ from
70 the definitions in K.C.C. chapter 21A.06, the definitions in K.C.C. 16.82.020 ((shall
71 apply)) control. Where definitions in K.C.C. 16.82.020 differ from the definitions in
72 K.C.C. chapter 21A. 06, the definitions in K.C.C. 16.82.020 shall control.

73 B. The activities in subsection D. of this section are exempted from the
74 requirement of obtaining a clearing or grading permit ~~((before undertaking forest~~
75 ~~practices or clearing or grading activities, as long as)), if but only if~~ those activities
76 conducted in critical areas ~~((are in compliance))~~ comply with the standards in this chapter
77 and in K.C.C. chapter 21A.24, and are legally established. Activities ~~((not requiring))~~
78 exempt from obtaining a clearing and grading permit are not exempt from other code
79 requirements and may require other permits, including, but not limited to, a floodplain
80 development permit.

81 C. Clearing and grading permit ~~((requirement))~~ exemptions in the table in
82 subsection D. of this section shall be interpreted as follows:

83 1. The use of "NP" in a cell means that ~~no a~~ clearing or grading permit is not
84 required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24
85 are met;

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Commented [JN7]: Engrosses Ordinance 19881.

Commented [JN8]: Edits made to conform the Executive's proposed language into the language adopted in Ordinance 19881.

Commented [JN9]: Engrosses Ordinance 19881.

Commented [JN10]: Engrosses Ordinance 19881.

Commented [JN11]: Edit for consistency with previous sentence.

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Commented [JN14]: Engrosses Ordinance 19881.

Commented [JN15]: Engrosses Ordinance 19881.

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2. A number in a cell means the numbered condition in subsection E. of this section applies, and:

a. where a series of numbers separated by commas are in a cell, each of the numbered conditions for that activity applies; and

b. if more than one letter-number combination appears in a cell, the conditions of at least one letter-number combination((s)) shall be met for a given exemption to apply;

3. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required;

4. For activities ~~((involving more than one critical area))~~ where one or more critical areas are present, compliance with the conditions applicable to each critical area is required; and

5. Clearing and grading permits are required when a cell ~~in ((this)) the table in subsection D. of this section~~ is empty and for activities not listed on the table.

D. Clearing and grading permit ~~((requirement))~~ exemptions.

Commented [JN16]: Engrosses Ordinance 19881.

Commented [JN17]: Clarifying edits.

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"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas	Seismic Volcanic and Tsunami Hazard	((Volcanic Hazard))	((Steep Slope Hazard and Buffer))	Critical Aquifer and Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	((Wildlife Area and Buffer))
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							<u>Area</u>		<u>ial</u>				t
									<u>Fan</u>				<u>Conse</u>
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									<u>Area</u>				<u>Area</u>
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ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P-1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((N P 3))		NP 3	((N P-4)) ((N P 23))	((N P 4)) ((N P 23))	Formatted: Strikethrough Formatted: Strikethrough
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((N P	NP 5	NP 5	NP 5	NP 5	Formatted: Strikethrough Formatted: Strikethrough

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								§))					
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((NP P 6))	NP 6	NP 6	NP 6	NP 6	NP
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((NP P 25))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((NP P))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((NP P 7))	NP 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((NP P 9))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((NP P 10))	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((NP P 11))	((NP P 11))	NP 11			11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((NP P 12))	NP 12		NP 12	NP 12	NP 12
Maintenance of driveway or private	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((NP P 13))	NP 13	NP 13	NP 13	NP 13	NP 13

Commented [JN22]: Adds condition 6, which is limits emergency tree removals to prevent imminent danger to persons or structures.

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access road								13))					
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((Construction of farm field access drive))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))	((N P 16))
((Maintenance of farm field access drive))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))	((N P 17))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 NP 28	NP 1, 2, 3	NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3	NP 1, 2, 3				
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11

Commented [JN23]: Drafting correction.

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Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((N P 11))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((N P 20))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((N P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat ((restoration)) creation or enhancement project	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((N P 21))	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas((s)) report or monitoring and data collection	NP 1, 2, 22	NP ((1, 2))₂ 22	NP ((1, 2))₂ 22	NP 22	NP 22	NP 22	NP ((1, 2, 22)) 22	((N P 1, 2, 22)) 22	NP 22	NP ((1, 2))₂ 22	NP 22	NP 22	NP

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Commented [JN24]: K.C.C. 21A.24.045 limits this activity to "minimal clearing and grading". Changes to this row (the deletion of Conditions 1 and 2 for this alteration) and to Note 22 is reflect that.

If grading is proposed for this activity that is not minimal, the activity could qualify as "grading".

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Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((NP P))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((NP P))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	NP ((16)) 17		NP ((16)) 17	((NP P +6))		NP ((16)) 17	NP ((16)) 17	NP ((16)) 17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP P +5))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((NP P 26))	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((NP P +5))	NP 15	NP 15	NP 15	NP 15	NP 15
Construction of farm field access drive	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16	<u>NP</u> 16
Maintenance of farm	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Commented [EA25]: Drafting correction.

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field access drive	17	17	17	17	17	17	17	17	17	17	17	17	17	17
Other														
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP	NP
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP	NP
Maintenance of golf course	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP	NP

Commented [EA26]: Drafting correction.

E. The following conditions apply:

1. Excavation less than five feet in vertical depth((§)) or fill less than three feet in vertical depth that, cumulatively on a single site since January 1, 2005, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing ~~on a single site since January 1, 2005 shall be limited to less than seven thousand square feet on a single site since January 1, 2005,~~ including,

Commented [JN27]: Engrosses Ordinance 19881.

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but not limited to, collection of firewood and removal of vegetation for fire safety. This

~~exception exemption~~ shall not apply to development proposals:

a. regulated as a Class IV forest practice under chapter 76.09 RCW;

b. in a critical drainage areas established by administrative rules;

c. subject to clearing limits included in property-specific development

standards and special district overlays under K.C.C. chapter 21A.38; or

d. subject to ~~Urban eGrowth eArea~~ significant tree retention standards under

K.C.C. 16.82.156 and K.C.C. Title 21A.

4. ~~Not allowed within a wetland, aquatic area, or a tree containing an active~~

~~nest. Otherwise, allowed for ((C)) cutting firewood for personal use in accordance with a forest management plan ((or rural stewardship plan)) approved under K.C.C. Title 21A.~~

~~For the purpose of this condition, personal use shall not include the sale or other~~

~~commercial use of the firewood.)) Repealed.~~

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or

conducted in accordance with an approved farm management plan((;)) or forest

management plan((; ~~or rural stewardship plan~~)).

8. Cumulative clearing on a single site since January 1, 2005, of less than seven

thousand square feet and either:

a. conducted in accordance with a farm management plan((;)) or a forest

management plan((; ~~or a rural stewardship plan~~)); or

b. limited to removal with hand labor.

Commented [JN28]: Engrosses Ordinance 19881.

Commented [JN29]: Engrosses Ordinance 19881.

Commented [JN30]: Change in the table above to not allow a permit exemption for cutting of firewood in a wetland, wetland buffer, aquatic area or riparian area in addition to a wetland, aquatic area or tree with an active nest. This note is no longer applicable because it is removed from those cells.

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9. When conducted as a Class I, II, III_x or IV-S forest practice as defined in chapter 76.09 RCW and Title 222 WAC.

10. If done in compliance with K.C.C. 16.82.065.

11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection E.11., "new impervious surface" is defined in K.C.C. 9.04.020.

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

- a. slope stabilization or vegetation removal on slopes; or
- b. ditches that are used by ~~((salmonids))~~ fish.

13. In conjunction with normal and routine maintenance activities, if:

a. there is no alteration of a ditch or aquatic area that is used by ~~((salmonids fish))~~ fish;

b. ~~((the structure, condition, or site maintained was constructed or created in accordance with law; and~~

~~e.))~~ the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert, or other improved area being maintained; and

c. the maintenance does not involve the use of herbicides or other hazardous substances within critical areas or associated buffers, except for the removal of noxious weeds or invasive vegetation.

Commented [JN31]: Drafting correction.

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14. If a culvert is used by ~~((salmonids))~~ fish or conveys water used by ~~((salmonids))~~ fish and there is no ~~((adopted))~~ approved farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and ~~((its))~~ associated inlet, invert, and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

Commented [JN32]: Consistency edits.

Changes “adopted” to “approved” to reflect current practice.

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15. If used by salmonids, only ~~((in compliance))~~ when consistent with an ~~((adopted))~~ approved farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

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- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of local services, permitting division; or
- d. Washington state Department of Fish and Wildlife.

16. Only on a sites ~~with where the primary use is~~ agricultural activities, ~~is uses~~ within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A, and if:

Commented [JN34]: Change to match Executive's intent

- a. consistent with an ~~((adopted))~~ approved farm management plan in accordance with K.C.C. Title 21A ~~((--))~~, ~~including any:~~
 - ~~b. constructed using best management practices applicable to the activity~~
 - ~~approved by the permitting division;~~
 - ~~b. less than two-thousand square feet of impervious surface is created;~~
- c. access is not greater than fourteen feet wide;

Commented [JN35]: Moves the farm field access drive area limitation regulation from the definition into the clearing and grading exemption

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Commented [JN36]: Consistency edits.

Changes “adopted” to “approved” to reflect current practice.

Commented [JN37]: Narrows the required BMPs to only those that apply to the activity, rather than others that may apply elsewhere on the site.

Commented [JN38]: Consistency edit. Permitting's role can be found in the farm management plan requirements in K.C.C. 21A.24.051 and 060.

Commented [JN39]: This provision is added for clarity. This is an existing requirement in the King County Surface Water Design Manual.

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182 d. ~~an~~ there is no alternative location ~~is not available to provide~~ with less
183 ~~adverse~~ impact on critical areas and associated buffers;

Commented [JN40]: Consistency edits and streamlining of text.

184 e. in compliance with the ~~requirements for~~ farmland dispersion requirements
185 ~~with~~ in the ~~King County~~ Surface Water Design Manual;

Commented [JN41]: Consistency edits.

186 f. located where it is least subject to risk from channel migration;

187 g. a floodplain development permit is obtained for any ~~action~~ activity within
188 the floodplain; and

189 h. all other required state and federal permits have been obtained and ~~actions~~
190 activities comply with these permits.

191 17. Only if consistent with an ~~adopted~~ approved farm management plan in
192 compliance accordance with K.C.C. Title 21A.

Commented [JN42]: Consistency edits.

Changes "adopted" to "approved" to reflect current practice.

193 18. In accordance with a right-of-way construction permit.

194 19. Only within the roadway in accordance with a right-of-way construction
195 permit.

196 20. When:

197 a. conducted by a public agency;

198 b. the height of the facility is not increased;

199 c. the linear length of the facility is not increased;

200 d. the footprint of the facility is not expanded waterward;

201 e. done in accordance with the Regional Road Maintenance Guidelines;

202 f. done in accordance with the adopted King County Flood Management Plan

203 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat

204 Guidelines Program, 2002); and

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g. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department.

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation~~(§)~~₂ and

~~((b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and the activity is))~~ limited to~~((§))~~

~~((+))~~ revegetation of the critical area and ~~((its))~~ associated buffer with native vegetation or climate-smart adaptive plants, or the removal of noxious weeds or invasive vegetation using only hand labor; or

b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and limited to:

(1) revegetation of the critical area and associated buffer with native vegetation or climate-smart adaptive plants; or the removal of noxious weeds or invasive vegetation;

(2) the removal of noxious weeds or invasive vegetation;

(3) placement of weirs, log controls, spawning gravel, ~~((woody debris))~~ large wood, and ~~((other specific ((salmonid))~~ similar fish habitat improvements; and

~~((3))~~ (4) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

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Commented [JN43]: Consistency edit to reflect terminology change.

Commented [JN44]: Consistency edits to reflect terminology change.

Commented [JN45]: Moved this to a new sub-bullet

Commented [JN46]: Change from salmonid to fish to address all fish habitat. Removes "other specific" to "similar" for clarity

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(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or ~~((its))~~ associated buffer.

22. ~~If done with hand equipment ((and)), minimal grading including site access,~~
does not involve any clearing, ~~and equipment is not left in the critical area or associated~~
~~buffer removed~~ when work is concluded.

Commented [JN47]: Edits to align with the critical area alteration allowance in K.C.C. 21A.24.045. Any limitations listed in that section also apply to this section, as it limits activities (whether or not a permit is required).

Commented [JN48]: Streamlining of text.

23. ~~Limited to tree and vegetation c~~Clearing for the purposes of wildfire preparedness, ~~except tree and vegetation clearing subject that does not otherwise require~~
~~another permit and that is not subject~~ to K.C.C. 16.82.156 ~~2 ((or)) or~~ K.C.C. Title 21A ~~2 or~~
~~otherwise requiring a permit, including, but not limited to, alterations within critical~~
~~areas,~~ as follows:

Commented [JN49]: Engrosses Ordinance 19881.

- a. understory clearing within fifteen feet of a residential structure containing habitable space or an attached deck;
- b. understory clearing and tree removal and pruning within ten feet of an installed aboveground nonportable liquefied petroleum gas tank;
- c. within thirty feet of a residential structure containing habitable space, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;
- d. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to fifteen feet of vertical clearance over driveways and roads used for emergency vehicle access;
- e. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to eighteen feet between tree crowns;

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_____ f. tree removal and pruning to provide up to ten feet between tree crowns and
decks, chimneys, overhead communication cables and electrical wires, or other
structures; and

_____ g. clearing may be allowed up to one hundred feet from a residential structure
containing habitable space if advised by a wildfire risk assessment conducted by a
professional holding a wildfire risk assessment certification or a forest stewardship plan
approved by the department of natural resources and parks that includes best management
practices to reduce wildfire risk. The removal and pruning of trees under this subsection
to provide clearance between tree crowns is limited to:

_____ (1) twelve feet between tree crowns for trees between thirty and sixty feet
from a residential structure containing habitable space; and

_____ (2) six feet between tree crowns for trees between sixty and one hundred feet
from a residential structure containing habitable space.

_____ a. Within thirty feet of a residential structure containing habitable space, the
following is allowed:

_____ (1) vegetation removal:

_____ (a) within fifteen feet of the furthest attached exterior point of a residential
structure containing habitable space or a deck;

_____ (b) within ten feet of an installed above-ground propane or liquefied
petroleum gas tank; and

_____ (c) underneath a tree crown to provide up to ten feet of clearance from the
ground to remove ladder fuels; and

_____ (2) removal and pruning of trees to provide:

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~~———— (a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height;~~
~~———— (b) fifteen feet of clearance over driveways for emergency vehicle access;~~
~~———— (c) eighteen feet between tree crowns; and~~
~~———— (d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied petroleum gas tanks, overhead communication cables, overhead electrical wires, or other structures; and~~
~~———— b. All activities in subsection E.23.a. of this section are also allowed up to one hundred feet from a residential structure containing habitable space if such clearing is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk, except ((as follows:)) that~~
~~———— (((1))) removal and pruning of trees to provide clearance between tree crowns is limited to providing:~~
~~———— (((a))) (1) twelve feet between tree crowns((, when)) located more than thirty feet and up to sixty feet ((of)) from a residential structure containing habitable space; and~~
~~———— (((b))) (2) six feet between tree crowns((, when)) located more than sixty feet and up to one hundred feet ((of)) from a residential structure containing habitable space.~~

24. Limited to the removal of downed trees.

25. Except on properties that are:

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a. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or

b. subject to ~~Urban Growth Area~~ significant tree retention standards under K.C.C. 16.82.156.

Commented [JN50]: Engrosses Ordinance 19881.

26. Only if allowed under K.C.C. 21A.24.045.D. ~~((69))58.~~ and if the maintenance activity is inspected by the:

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- a. King Conservation District;
- b. department of natural resources and parks;
- c. department of local services, permitting division; or
- d. Washington state Department of Fish and Wildlife.

27. ~~Clearing for the purposes of wildfire preparedness that does not otherwise require another permit, that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A., and that maintains any require screening consistent with K.C.C. chapter 21A.16, as follows:~~

Commented [JN52]: Engrosses Ordinance 19881.

~~a. tree pruning to provide up to ten feet of vertical clearance from overhead communication cables and electrical wire components of utility facilities, if:~~

~~(1) all debris is removed following the pruning activity;~~

~~(2) the activity is authorized by a right-of-way construction permit, if applicable; and~~

~~(3) pruning activities do not extend fifteen feet beyond the right-of-way;~~

~~b. understory clearing within fifteen feet of a utility facility structure; and~~

~~c. within thirty feet of a utility facility structure, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;~~

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319 d. within thirty feet of a utility facility structure, tree removal and pruning to
320 provide up to fifteen feet of vertical clearance over driveways and roads used for
321 emergency vehicle access;

322 e. within thirty feet of a utility facility structure, tree removal to provide up to
323 eighteen feet between tree crowns;

324 f. tree removal and pruning to provide up to ten feet between tree crowns and
325 utility and facility structures; and

326 g. clearing may be allowed up to one hundred feet from the utility facility
327 structure if such clearing activity is advised by a wildfire risk assessment conducted by a
328 professional holding a wildfire risk assessment certification or a forest stewardship plan
329 approved by the department of natural resources and parks that includes best management
330 practices to reduce wildfire risks. The removal and pruning of trees to provide clearance
331 between tree crowns is limited to:

332 (1) twelve feet between tree crowns for trees located between thirty and sixty
333 feet from a utility facility structure; and

334 (2) six feet between tree crowns for trees located between sixty and one
335 hundred feet from a utility facility structure.

336 ~~Pruning of trees to provide up to ten feet of clearance from overhead communication~~
337 ~~cables and electrical wire components of utility facilities, if:~~

338 ~~a. ((no)) all debris is ((left)) removed following the pruning activity;~~

339 ~~b. authorized by a right of way construction permit;~~

340 ~~c. pruning activities around overhead electrical facilities do not extend fifteen~~
341 ~~feet beyond the right of way; and~~

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342 ~~_____ d. any work is approved by the property owner.~~

343 ~~_____ 28. Tree and vegetation clearing, except for overhead facilities in subsection~~
344 ~~E.27. of this section, and except for tree and vegetation clearing subject to K.C.C.~~
345 ~~16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows:~~

Commented [JN53]: Engrosses Ordinance 19881.

346 ~~_____ a. Up to thirty feet measured horizontally from the utility facility structure, the~~
347 ~~following is allowed:~~

348 ~~_____ (1) vegetation removal:~~

349 ~~_____ (a) within fifteen feet of the furthest attached exterior point of a structure;~~

350 ~~and~~

351 ~~_____ (b) underneath a tree crown to provide up to ten feet of clearance from the~~
352 ~~ground to remove ladder fuels;~~

353 ~~_____ (2) removal and pruning of trees to provide:~~

354 ~~_____ (a) ten feet of clearance from the ground to remove ladder fuels, as long as~~
355 ~~pruning does not exceed one-third of tree height;~~

356 ~~_____ (b) fifteen feet of clearance over driveways for emergency vehicle access;~~

357 ~~_____ (c) eighteen feet between tree crowns; and~~

358 ~~_____ (d) ten feet between tree crowns and structures; and~~

359 ~~_____ (3) the screening function of any landscaping planted to provide screening in~~
360 ~~K.C.C. chapter 21A.16 is maintained; and~~

361 ~~_____ b. All of the activities in subsection E.28.a. of this section are also allowed up~~
362 ~~to one hundred feet measured horizontally from the utility facility structure if such~~
363 ~~clearing activity is advised in a wildfire risk assessment conducted by a professional~~
364 ~~holding a wildfire risk assessment certification, or the activity is advised in a forest~~

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stewardship plan approved by the department of natural resources and parks and that includes best management practices to reduce wildfire risks, except that removal and pruning of trees to provide clearance between tree crowns is limited to providing:

(1) twelve feet between tree crowns, when more than thirty feet and up to sixty feet measured horizontally from a utility facility structure; and

(2) six feet between tree crowns, when more than sixty feet and up to one hundred feet measured horizontally from a utility facility structure.

SECTION 488. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.

20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881-XXXXX (Proposed Ordinance 2023-0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

SECTION 53. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended to read as follows:

Commented [JN54]: This was at the bottom of the ordinance. It was moved (not shown in track changes) to the correct location.

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388 A. The King County shoreline master program consists of the following
389 elements, enacted on or before ~~((December 23, 2024))~~ the date of enactment of
390 ~~((Ordinance XXXX (Proposed Ordinance 2023 0440)))~~ this ordinance:

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Commented [JN55]: Technical change to reflect enactment date of Ordinance 19881

391 1. The King County Comprehensive Plan chapter six;

392 2. K.C.C. chapter 21A.25;

393 3. The following sections of K.C.C. chapter 21A.24:

394 a. K.C.C. 21A.24.045;

395 b. K.C.C. 21A.24.051;

396 c. ~~((K.C.C. 21A.24.055;~~

397 ~~4.))~~ K.C.C. 21A.24.070.A., B.2., C.2., D., and E.;

398 ~~((e.))~~ d. K.C.C. 21A.24.125;

399 ~~((f.))~~ e. K.C.C. 21A.24.130;

400 ~~((g.))~~ f. K.C.C. 21A.24.133;

401 g. Section 63 of this ordinance;

Commented [EA56]: New section on revegetation, in the striker after 21A.24.133.

402 ~~((h.))~~ g. K.C.C. 21A.24.200;

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403 ~~((i.))~~ h. K.C.C. 21A.24.210;

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404 ~~((j.))~~ i. K.C.C. 21A.24.220;

405 ~~((k.))~~ ii. K.C.C. 21A.24.275;

406 ~~((l.))~~ ki. K.C.C. 21A.24.280;

407 k. K.C.C. 21A.24.310, as recodified by this ordinance;

408 ~~((m.))~~ l. K.C.C. 21A.24.290;

409 xxxm. Section 72 of this ordinance;

Commented [EA57]: New section on alluvial fan hazard areas

410 xxxn. Section 73 of this ordinance;

Commented [EA58]: New section on tsunami hazard areas

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~~((n-))~~ no. K.C.C. 21A.24.300;

p. K.C.C. 21A.24.210, as recodified by this ordinance;

q. K.C.C. 21A.24.220, as recodified by this ordinance;

~~((o-))~~ na. K.C.C. 21A.24.310;

~~((p-))~~ or. K.C.C. 21A.24.316;

~~((q-))~~ ps. K.C.C. 21A.24.318;

~~((r-))~~ qt. K.C.C. 21A.24.325;

~~((s-))~~ ru. K.C.C. 21A.24.335;

~~((t-))~~ sv. K.C.C. 21A.24.340;

~~((u-))~~ tw. K.C.C. 21A.24.355;

~~((v-))~~ ux. K.C.C. 21A.24.358;

~~((w-))~~ vy. K.C.C. 21A.24.365;

~~((x-))~~ wz. K.C.C. 21A.24.380;

~~((y-))~~ aa. K.C.C. 21A.24.382;

~~((z-))~~ ybb. K.C.C. 21A.24.386; and

~~((aa-))~~ zcc. K.C.C. 21A.24.388;

4. The following:

a. K.C.C. 20.18.050;

b. K.C.C. 20.18.056;

c. K.C.C. 20.18.057;

d. K.C.C. 20.18.058;

e. K.C.C. 20.22.160;

f. K.C.C. 21A.32.045;

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434 g. K.C.C. 21A.44.090;

435 h. K.C.C. 21A.44.100; ~~((and))~~

436 i. K.C.C. 21A.50.030; and

437 5. The 2024 King County Flood Management Plan.

438 B. The shoreline management goals and policies constitute the official policy of
439 King County regarding areas of the county subject to shoreline jurisdiction under chapter
440 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
441 administrative, enforcement, and permit review procedures shall conform to chapter
442 90.58 RCW but shall not be a part of the shoreline master program.

443 C. Amendments to the shoreline master program do not apply to the shoreline
444 jurisdiction until approved by the Washington state Department of Ecology ~~((as~~
445 ~~provided))~~ in accordance with RCW 90.58.090. The department of local services,
446 permitting division, shall, within ten days after the date of the Department of Ecology's
447 approval, file a copy of the Department of Ecology's approval, in the form of an
448 electronic copy, with the clerk of the council, who shall retain the original and provide
449 electronic copies to all councilmembers, the chief of staff, and the lead staff of the local
450 services and land use committee ~~or its successor.~~

451 SECTION 64. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100
452 are hereby amended to read as follows:

453 A. The definitions in this section apply throughout this section, as well as in
454 K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise.

455 B. To be eligible for open space classification under the public benefit rating
456 system, a property shall contain one or more qualifying open space resources and have at

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least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section.

C. The following open space resources are each eligible for the points indicated:

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. ~~14.01.005xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s)))~~ Section 21 ~~((of this ordinance)))~~, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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2. Aquifer protection area - five points. "Aquifer protection area" means property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. If the enrolling open space area does not have a plant community in which native plants are dominant, revegetation shall occur subject to a revegetation plan reviewed and approved by the department;

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ~~((in))~~ wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not

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extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met:

a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing;

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project

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and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration ~~((categories))~~ category;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005~~xxx (((the new section created by))~~ Ordinance XXXXX (Proposed Ordinance 2023-0440), ~~((s)))~~ Section 21 ~~((of this ordinance)))~~, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private

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roads, driveways, or sidewalks open to the public for this purpose may also qualify.

Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((that is acceptable to the department))~~ and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category.

Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land

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Commented [JN63]: Consistency edits. Farm management plans on sites where the PBRS program applies already are reviewed and approved by the department. This is duplicative language.

Commented [JN64]: Adds a reference to the livestock management plan component of a farm management plan

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undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ~~((or rural stewardship land categories))~~ category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and

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historic archaeological sites, or traditional cultural properties. A property shall be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points.

"Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized

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vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

12. Rural open space - five points. "Rural open space" means an area of ~~((ten~~ five or more contiguous acres of open space located outside of the ~~Urban Growth~~ Area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant; or
b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ~~((rural stewardship,))~~ or resource restoration plan acceptable to the department;

13. ~~((Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant~~

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Commented [EA65]: Allows smaller properties to use this provision (as an alternative to the rural stewardship plans)

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features, site-specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;

14.)) Scenic resource, viewpoint, or view corridor – five points.

a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.

b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way.

c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the

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664 local area. The site shall have ((#)) significant cultural areas and contain significant
665 inventoried or designated historic properties, as determined by the King County historic
666 preservation officer or officer of another certified local government program in the
667 jurisdiction in which the property is located in. Eligibility is subject to determination by
668 the department or applicable jurisdiction;

669 ((45-)) 14. Significant plant or ecological site - five points. "Significant plant or
670 ecological site" means an area that meets the criteria for Element Occurrence established
671 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An
672 Element Occurrence is a particular, on-the-ground observation of a rare species or
673 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington
674 Natural Heritage Program or be identified as a property that meets the criteria for an
675 Element Occurrence. The identification shall be confirmed by a qualified expert
676 acceptable to the department in order to qualify. The department shall notify the
677 Washington Natural Heritage Program of any verified Element Occurrence on an
678 enrolling property. Commercial nurseries, arboretums, or other maintained garden sites
679 with native or nonnative plantings are ineligible for this category;

680 ((46-)) 15. Significant wildlife or ((salmonid)) fish habitat - five points.

681 a. "Significant wildlife or ((salmonid)) fish habitat" means:

682 (1) an area used by animal species listed as endangered, threatened, sensitive,
683 or candidate by the Washington state Department of Fish and Wildlife or Department of
684 Natural Resources or used by species of local ((significance)) importance that are listed
685 by the King County Comprehensive Plan or a local jurisdiction;

Commented [JN67]: Engrosses Ordinance 19881.

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686 (2) an area where the species listed in subsection C.~~((46-))~~15.a.(1) of this
687 section are potentially found with sufficient frequency for critical ecological processes,
688 such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

689 (3) a site that meets the criteria for priority habitats as defined by the
690 Washington state Department of Fish and Wildlife and that is so listed by the King
691 County Comprehensive Plan or by the local jurisdiction in which the property is located;
692 or

693 (4) a site that meets criteria for a wildlife habitat conservation area as defined
694 by the department or a local jurisdiction.

695 b. To be eligible, the department, by its own determination or by expert
696 determination acceptable to the department, shall verify that qualified species are present
697 on the property or that the land fulfills the functions described in subsection C.~~((46-))~~15.a.
698 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a
699 buffer at least fifteen percent greater in width than required by any applicable regulation.
700 Property consisting mainly of disturbed or fragmented open space determined by the
701 department as having minimal wildlife habitat significance is ineligible;

702 ~~((47-))~~ 16. Special animal site - three points. "Special animal site" means a site
703 that includes a wildlife habitat network identified by the King County Comprehensive
704 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A
705 RCW, or a biodiversity area and corridor identified by the Washington state Department
706 of Fish and Wildlife's priority habitats and species project as of the date of the application
707 as identified by King County or local or state jurisdiction or by expert verification
708 acceptable to the department or local jurisdiction. Property consisting mainly of

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disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

~~((48-))~~ 17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, ~~((rural stewardship,))~~ or resource restoration plan. Grazing use by livestock on such land is prohibited;

~~((49-))~~ 18. Urban open space - five points.

a. "Urban open space" means land located within the boundaries of a city or within the ~~Urban Growth Area~~ that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

Commented [JN69]: Engrosses Ordinance 19881.

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(3) the land promotes conservation of soils, wetlands, beaches, or tidal marshes;

(4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;

(5) the land enhances recreation opportunities for the general public; or

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration~~((or rural stewardship))~~ plan that addresses this need and is acceptable to the department.

D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows:

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1. Conservation easement or historic preservation easement - eighteen points.

"Conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The easement is subject to approval by the department and shall be recorded with the King County recorder's office or its successor. The easement shall be conveyed to the county or to an organization acceptable to the department, such as a land trust or conservancy. Historic preservation easements are subject to approval by the historic preservation officer of King County or of the local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required;

2. Contiguous parcels under separate ownership - two points.

a. "Contiguous parcels under separate ownership" means at least two or more parcels under different ownership where either:

(1) the enrolling parcels and open space acreage abut each other without a significant human-made barrier separating them; or

(2) the enrolling parcels do not abut each other, but abut a publicly owned open space, without a significant human-made barrier separating the publicly owned open space and the open space portion of the parcels seeking open space classification.

b. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Only a single application fee is required.

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c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program.

d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories.

e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner;

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property

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designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

4. Public access - points depend on type and frequency of access allowed.

"Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department.

No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic ~~((properties))~~ properties is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access ~~((because of))~~ due to resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner.

Commented [JN70]: Technical clean-up

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c. Seasonally limited public access - three points. Access by the public is allowed only for part of the year due to seasonal conditions, as mutually agreed to by the landowner and the department.

d. Environmental education access - three points. The landowner enters into an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or, with the agreement of the department, with another community organization that allows membership by the general public to provide environmental education to its members or the public at large. The department shall verify that the enrolled portion of the property has value for environmental education purposes.

e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and

5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is

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located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land~~((;))~~ or forest stewardship land~~((; or rural stewardship land))~~ categories.

SECTION 75. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

A.1. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations ~~((subject to the following:))~~.

~~((1.))~~ 2. The ~~((following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b))~~

exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level. The exemptions in subsection A.3. of this section shall not apply when the proposal:

- a. is undertaken wholly or partly on lands covered by water;
- b. requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or
- d. requires a land use decision that is not exempt under WAC 197-11-800(6).

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Commented [JN71]: Mirrors language in WAC 197-11-800, which puts some limitations on the flexible construction thresholds

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3. The county adopts the following thresholds for minor new construction under WAC 197-11-800(1):

a. The construction or location of ~~((any residential structures of))~~ up to twenty dwelling units within the ~~((boundaries of an u))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area ~~((r))~~ or ~~((of any residential structures of))~~ up to eight dwelling units outside ~~((of))~~ the ~~((boundaries of an u))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering up to thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service, or storage building with up to twelve thousand square feet of gross floor area, and with associated parking facilities designed for up to forty automobiles;

d. The construction of a parking lot designed for up to forty automobiles; and

e. ~~((Any f))~~ Fill or excavation ~~((of))~~ as follows:

(1) up to five hundred cubic yards throughout the total lifetime of the fill or excavation ~~((and))~~ for activities not otherwise specified in this section;

(2) any fill or excavation necessary for the projects in subsections A.3.a. through A.3.d. of this section;

(3) any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder ~~((The categorical exemption threshold shall be))~~; and

Commented [EA72]: Clarifying edits throughout this subsection to reflect the limits on the SEPA exemptions.

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Commented [JN73]: Added language to reflect state law. Grading for an exempt project in 2.a. through 2.d. are also exempt under WAC 197-11-800(1)(b)(v).

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891 (4) up to one hundred cubic yards for any fill or excavation that is in ~~((an~~
892 ~~aquatic area, wetland,))~~ a steep slope, ~~((or))~~ landslide, or alluvial fan ~~((hazard area)), or~~
893 alluvial fan hazard area. ~~((If the proposed action is to remove from or replace fill in ((an~~
894 ~~aquatic area, wetland,)) a steep slope, ((or)) landslide ((hazard area)), or alluvial fan~~
895 ~~hazard area to correct a violation, the threshold shall be five hundred cubic yards.))~~
896 2.) 4. The determination of whether a proposal is categorically exempt shall be
897 made by the county department that serves as lead agency for that proposal.

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898 B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as
899 follows:

900 1. If the department issues a mitigated DNS, conditions requiring compliance
901 with the mitigation measures which were specified in the application and environmental
902 checklist shall be deemed conditions of any decision or recommendation of approval of
903 the action.

904 2. If at any time the proposed mitigation measures are withdrawn or
905 substantially changed, the responsible official shall review the threshold determination
906 and, if necessary, may withdraw the mitigated DNS and issue a DS.

907 NEW SECTION. SECTION 86. There is hereby added to K.C.C. chapter
908 21A.06 a new section to read as follows:

909 Active nest: a nest or breeding site that is actively being used, built, or repaired
910 by birds.

911 SECTION 9. Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039
912 are hereby amended to read as follows:

913 Agricultural products: products that include, but are not limited to:

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914 A. Horticultural, viticultural, floricultural, and apiary products;

915 B. Livestock and livestock products;

916 C. Animal products, including, but not limited to, upland finfish, dairy products,
917 meat, poultry, and eggs;

918 D. Feed or forage for livestock;

919 E. ~~((Christmas trees, hybrid cottonwood and similar hardwood trees))~~ grown
920 as crops and harvested within twenty years of planting; and

921 F. Turf, sod, seed, and related products.

922 NEW SECTION. SECTION 107. There is hereby added to K.C.C. chapter
923 21A.06 a new section to read as follows:

924 Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a
925 stream flows or has flowed out of an upland onto a flat plain or valley floor due to a
926 sudden change in sediment transport capacity, such as a significant change in slope or
927 confinement.

928 NEW SECTION. SECTION 118. There is hereby added to K.C.C. chapter
929 21A.06 a new section to read as follows:

930 Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural
931 hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan
932 hazard areas are a type of geological hazard area.

933 SECTION 129. Ordinance 15051, Section 7, as amended, and K.C.C.
934 21A.06.072C are hereby amended to read as follows:

935 A. Aquatic areas include:

Commented [JN75]: Removes specific examples of trees grown as agricultural products.

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936 1. ~~((Nonwetland w))~~ Water features ~~((including: all))~~, such as shorelines of the
937 state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water ~~((such~~
938 ~~as lakes, ponds, and reservoirs))~~;

939 2. Impoundments, ~~((such as))~~ which includes bodies of water collected in
940 reservoirs, dams, or ~~((ponds,))~~ through natural disturbance events, if any portion of the
941 contributing water is from a ~~((nonwetland))~~ water feature listed in subsection A.1. of this
942 section; ~~((and))~~

943 3. Above~~((-))~~ground open water conveyance systems, such as ditches, if any
944 portion of the contributing water is:

945 ~~a. used by fish; and; or~~

946 ~~b. 4. Aboveground or underground water conveyance system, if any portion of~~
947 ~~the contributing water is from ((either)) a wetland or a ((nonwetland)) water feature listed~~
948 ~~in subsection A.1., ((or)) A.2., or A.3. of this section ((or both)); and~~

949 ~~4. Portions of the water features in subsections A.1., A.2., and A.3 of this section~~
950 ~~that are conveyed underground in pipes or culverts.~~

951 B. "Aquatic areas" does not include water features where the source of
952 contributing water is entirely artificial, including, but not limited to, ground~~((-))~~ water
953 wells, and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or
954 drainage ditches that lie within the boundaries of, and are maintained by, a port district or
955 an irrigation district or company.

956 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter

957 21A.06 a new section to read as follows:

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Commented [JN76]: Moves examples around. Removes reservoirs, which are kept in the impoundments examples below.

Commented [JN77]: Incorporates the definition of impoundments. 21A.06.628 is proposed for repeal.

21A.06.628 Impoundment. Impoundment: a body of water collected in a reservoir, pond or dam or collected as a consequence of natural disturbance events. (Ord. 15051 § 67, 2004).

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Commented [EA78]: Clarifies when a water conveyance system is considered an aquatic area.

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Commented [JN79]: New definition for this term is used in code

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_____ Aquatic area functions: the physical, biological, chemical, and geologic interactions among different components of the environment that occur within aquatic areas. Aquatic area functions include, but are not limited to, functions that improve water quality, functions that provide for the availability of surface water and groundwater by acting as recharge and discharge areas, functions to allow the conveyance of water, sediment, organisms, and other organic matter, functions that facilitate food chain production and nutrient cycling, and functions that provide habitat for plants and animals, including nesting, rearing, feeding, and resting habitat.

SECTION ~~1014~~. Ordinance 10870, Section 70, as amended, and K.C.C.

21A.06.122 are hereby amended to read as follows:

Buffer: a designated area ~~adjacent and~~ contiguous to a ~~((steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards or a designated area contiguous to and))~~ critical area that is intended to protect and be ~~((an))~~ integral ~~((part of an aquatic area or wetland))~~ intended to protect to the functions and values of the critical area and reduce impacts from adjacent land uses.

NEW SECTION. SECTION ~~1115~~. There is hereby added to K.C.C. chapter

21A.06 a new section to read as follows:

Climate-smart adaptive plants: ~~native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as~~ identified by the department of natural resources and parks currently or formerly native to the surrounding ecoregion that are predicted to maintain their abundance under climate change.

Commented [JN80]: Similar terminology to “contiguous” which is enough for this definition. Adding adjacent doesn't add clarity or substance.

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Commented [JN81]: Added to identify relationship

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Commented [JN82]: Terminology change.

Commented [JN83]: Edits to place DNRP-identification first in the definition

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980 SECTION 1216. Ordinance 10870, Section 80, as amended, and K.C.C.

981 21A.06.200 are hereby amended to read as follows:

982 Coal mine hazard area: an area directly underlain, adjacent to, or ~~((directly))~~
983 affected by operative or abandoned subsurface coal mine workings such as adits, tunnels,
984 drifts, or air shafts.

985 ~~NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06~~
986 ~~a new section to read as follows:~~

987 ~~Commercial production of agricultural products: agriculture conducted by an~~
988 ~~operator who has done one or more of the following:~~

989 ~~A. Filed IRS Schedule F for a minimum of three years;~~

990 ~~B. Obtained and currently holds a United States Department of Agriculture~~
991 ~~Organic Certification producer certificate; or~~

992 ~~C. Enrolled, and remains in good standing, in the current use classification "Farm~~
993 ~~and agricultural land", under chapter 84.34 RCW.~~

Commented [JN84]: Moved into the regulatory section of the CAO in 21A.24.051

994 SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby
995 amended to read as follows:

996 Critical aquifer recharge area: an area with a critical recharging effect on aquifers
997 used for potable water or areas where an aquifer is susceptible to reduced recharge, and

Commented [JN85]: Provides additional detail of what a CARA is and creates consistent with WAC 365-190-030

998 designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ~~((that~~
999 ~~has))~~. Critical aquifer recharge areas include areas with a high susceptibility to ground~~((~~

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1000 ~~))water contamination or an area of medium susceptibility to ground~~((:))water~~~~

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1001 contamination that is located within a sole source aquifer or within an area approved in
1002 accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or

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district drinking water system, or an area over a sole source aquifer and located on ~~((an island surrounded by saltwater))~~ Vashon-Maury Island. Susceptibility to ground~~((~~))water contamination occurs where there is a combination of permeable soils, permeable subsurface geology and ground~~((~~))water close to the ground surface.

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SECTION 1418. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby amended to read as follows:

Critical area: any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas:

A. ~~((Aquatic areas;~~

~~B. Coal mine hazard areas;~~

C.)) Critical aquifer recharge areas;

~~((D. Erosion hazard areas;~~

~~E. Flood hazard areas;~~

~~F. Landslide hazard areas;~~

~~G. Seismic hazard areas;~~

~~H. Steep slope hazard areas;~~

~~I. Volcanic hazard areas;~~

J.)) B. Frequently flooded areas, regulated as flood hazard areas, including:

1. Floodplains;

2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;

3. Zero-rise flood fringe;

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1026 4. Zero-rise floodways;
1027 5. FEMA floodways; and
1028 6. Channel migration zones;
1029 C. Fish and wildlife habitat conservation areas, including:
1030 1. Aquatic areas;
1031 2. Riparian areas;
1032 3. Wildlife habitat conservation areas; and
1033 4. Wildlife habitat networks;
1034 D. Geologically hazardous areas, including:
1035 1. Alluvial fan hazard areas;
1036 2. Channel migration zones;
1037 3. Coal mine hazard areas;
1038 4. Erosion hazard areas;
1039 5. Landslide hazard areas;
1040 6. Seismic hazard areas;
1041 7. Steep slope hazard areas;
1042 8. Tsunami hazard areas; and
1043 9. Volcanic hazard areas; and
1044 E. Wetlands((;
1045 ~~K. Wildlife habitat conservation areas; and~~
1046 ~~L. Wildlife habitat networks)).~~
1047 NEW SECTION. SECTION 1519. There is hereby added to K.C.C. chapter
1048 21A.06 a new section to read as follows:

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1049 Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within
1050 shorelines of the state, and floodplains designated as shorelines of the state in the
1051 shoreline master program.

1052 NEW SECTION. SECTION 4620. There is hereby added to K.C.C. chapter
1053 21A.06 a new section to read as follows:

1054 Debris flow: a moving mass of rock fragments, soil, and mud, with where more
1055 than half of the particles being are larger than sand size.

1056 NEW SECTION. SECTION 4721. There is hereby added to K.C.C. chapter
1057 21A.06 a new section to read as follows:

1058 Ecological professional: a person having a degree in ecology, wildlife biology,
1059 wetland biology, fisheries, botany, soil science, environmental science, natural resource
1060 management, or a closely related field, with a minimum of five years of professional
1061 experience related to the subject ecological field. Professional certification in a relevant
1062 ecological field can be substituted for two years of work professional experience.

1063 SECTION 4822. Ordinance 10870, Section 123, as amended, and K.C.C.
1064 21A.06.415 are hereby amended to read as follows:

1065 Erosion hazard area: ((an)) a geologically hazardous area underlain by soils that
1066 ((is)) are subject to severe erosion when disturbed. ((These)) Such soils include, but are
1067 not limited to ((s)):

1068 A. ((s)) Those classified as having a severe to very severe erosion hazard
1069 according to the United States Department of Agriculture ((Soil)) Natural Resources
1070 Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King

Commented [EA86]: Edits for readability

Commented [JN87]: Technical correction. Consistency with previous sentence.

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County Soils Survey or any subsequent revisions or addition by or to these sources ~~((such as))~~;

~~B. ((a))~~ Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

~~C. ((a))~~ Any of the following when they occur on slopes inclined at fifteen percent

or more:

~~((A. The))~~ 1. Alderwood gravely sandy loam ("AgD");

~~((B. The))~~ 2. Alderwood and Kitsap soils ("AkF");

~~((C. The))~~ 3. Beausite gravely sandy loam ("BeD" and "BeF");

~~((D. The))~~ 4. Kitsap silt loam ("KpD");

~~((E. The))~~ 5. Ovall gravely loam ("OvD" and "OvF");

~~((F. The))~~ 6. Ragnar fine sandy loam ("RaD"); and

~~((G. The))~~ 7. Ragnar-Indianola Association ("RdE").

SECTION 4923. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are

hereby amended to read as follows:

Farm field access drive: a ~~((n))~~ paved or impervious ~~((surface constructed to provide a fixed))~~ route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.

NEW SECTION. SECTION 2024. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Fish and wildlife habitat conservation areas:

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Commented [JN89]: This regulation is moved out of the definition and into the regulations in K.C.C. 16.82 and 21A.

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1093 A. Areas that serve a critical role in sustaining needed habitats and species for
1094 the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood
1095 that the species will persist over the long term. These areas may include, but are not
1096 limited to, rare or vulnerable ecological systems, communities, and habitat or habitat
1097 elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas,
1098 wildlife habitat network, and areas with high population density or species richness.

1099 B. Fish and wildlife habitat conservation areas do not include artificial water
1100 carrying features or constructs such as irrigation delivery systems, irrigation
1101 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and
1102 are maintained by, a port district or an irrigation district or company.

1103 SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby
1104 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

1105 SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby
1106 amended to read as follows:

1107 ((Habitat, f))Fish habitat: habitat that is used by native fish species, including
1108 anadromous or resident salmonids, at any life stage at any time of the year ((including
1109 potential habitat likely to be used by anadromous or resident salmonids)). "Fish habitat"
1110 includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal
1111 channels, and potential habitat that is upstream ((of,)) or landward of((s)) human-made
1112 barriers that could be accessible to((, and)) or ((could be)) used by((s)) fish upon removal
1113 of the barriers. ((This includes off-channel habitat, flood refuges, tidal flats, tidal
1114 channels, streams and wetlands.))

Commented [JN90]: Edits to broaden definition of fish habitat from only those used salmonids to all native fish species.

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1115 NEW SECTION. SECTION 2427. There is hereby added to K.C.C. chapter
1116 21A.06 a new section to read as follows:

1117 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or
1118 other geological events. Areas classified as geologically hazardous areas include ~~one of~~
1119 ~~more of the following:~~

Commented [JN91]: Technical correction

1120 A. Alluvial fan hazard areas;

1121 B. Channel migration zones;

1122 C. Coal mine hazard areas;

1123 D. Erosion hazard areas;

1124 E. Landslide hazard areas;

1125 F. Seismic hazard areas;

1126 G. Steep slope hazard areas;

1127 H. Tsunami hazard areas; and

1128 I. Volcanic hazard areas.

1129 NEW SECTION. SECTION 2228. There is hereby added to K.C.C. chapter
1130 21A.06 a new section to read as follows:

1131 Geological professional: a geotechnical engineer or geologist, licensed in
1132 Washington state and experienced in analyzing geologic, hydrologic, and ground-water
1133 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1134 NEW SECTION. SECTION 2329. There is hereby added to K.C.C. chapter
1135 21A.06 a new section to read as follows:

1136 Grazing area buffer: a designated area contiguous to a wetland or aquatic area
1137 from which ~~grazing~~ livestock are excluded.

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1138 SECTION 2430. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby
1139 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1140 SECTION 2531. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are
1141 hereby amended to read as follows:

1142 ~~((Tree, hazard))~~ Hazard tree: any tree with a structural defect, combination of
1143 defects or disease resulting in structural defect that, under the normal range of
1144 environmental conditions at the site, will result in the loss of a major structural
1145 component of that tree in a manner that will:

1146 A. Damage a ~~((residential ((structure)) building, ((or)) accessory structure, or~~
1147 parking for a residential use, place of employment, ((or)) public assembly ((or approved
1148 parking for a residential structure or accessory structure or place of employment or public
1149 assembly));

1150 B. Damage a ~~((n approved))~~ road or utility facility; or

1151 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1152 SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C.

1153 21A.06.680 are hereby amended to read as follows:

1154 Landslide hazard area: an area subject to severe risk of landslide, such as:

1155 A. An area with a combination of:

1156 1. Slopes steeper than fifteen percent of inclination;

1157 2. Impermeable soils, such as silt and clay, frequently interbedded with granular
1158 soils, such as sand and gravel; and

1159 3. Springs or ground water seepage;

Commented [JN92]: Removes "approved" for parking.
Subsequent edits made for flow with the removal.

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B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;

C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;

D. An area that shows evidence of or is at risk from snow avalanches; or

E. An area located on an alluvial fan(~~(, presently or potentially subject to)~~) that is susceptible to episodic inundation (~~((by debris flows or deposition of stream transported sediments))~~) sedimentation, and erosional impacts.

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Commented [JN93]: Edits to when alluvial fans are part of landslide hazard areas

SECTION ~~2633~~. Ordinance 10870, Section 190, as amended, and K.C.C.

21A.06.750 are hereby amended to read as follows:

Mitigation: an action taken to compensate for ~~unavoidable~~ (~~(adverse)~~)

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~~unavoidable~~ impacts to the environment resulting from a development activity or alteration ~~after all appropriate and practicable avoidance and minimization measures have been accounted for and implemented~~ mitigation sequencing is applied.

Commented [JN94]: Consistency edits.

Commented [JN95]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

NEW SECTION. SECTION ~~2734~~. There is hereby added to K.C.C. chapter

21A.06 a new section to read as follows:

Notice of map amendment:

A. ~~a~~ letter issued by the department of natural resources and parks indicating that the classification of a critical area has been changed ~~from the classification shown~~ on ~~a one~~ of the following critical areas maps adopted by ~~King County ordinance or public rule~~:

Commented [JN96]: Streamline language

Commented [EA97]: Clarifies what "adopted" means, and then specifies the maps that are officially adopted.

1. Critical aquifer recharge areas;

2. Wildlife habitat networks;

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3. Channel migration zones; or

4. Flood hazard areas.

B. The notice of map amendment may indicate that an area has been reclassified, declassified, or newly classified as a critical area.

NEW SECTION. SECTION 2835. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Revegetation: the reestablishment of vegetation within an area ~~that reflects historic natural conditions or native vegetation types~~ that ~~are is~~ well suited to thrive in the area.

Commented [JN98]: Broadens the definition of revegetation to any plantings. Where specific references to native vegetation types are called out, this is done in the regulatory sections of code.

NEW SECTION. SECTION 2936. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Riparian area: a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas ~~protect the functions and values of aquatic areas and~~ reduce impacts from adjacent land uses through various physical, chemical, or biological processes.

Commented [JN99]: Added language in on protection of adjacent aquatic areas

SECTION 3037. Ordinance 10870, Section 243, as amended, and K.C.C.

21A.06.1015 are hereby amended to read as follows:

Salmonid: a fish native to the Puget Sound region that is a member of the fish family Salmonidae, including ~~((, but not limited to))~~:

A. Chinook, coho, chum, sockeye, and pink salmon;

B. Rainbow, steelhead, and cutthroat ~~((salmon, which are also known as))~~ trout;

C. ~~((Brown trout;~~

~~D. Brook, b))~~ Bull trout, which is ~~((also known as))~~ a type of char, and Dolly

Varden char;

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1206 ((~~E~~)) D. Kokanee; ((~~and~~

1207 ~~F~~)) E. Pygmy whitefish; and

1208 F. Mountain whitefish.

1209 NEW SECTION. SECTION 3438. There is hereby added to K.C.C. chapter

1210 21A.06 a new section to read as follows:

1211 Special flood hazard area or area of special flood hazard: the land subject to

1212 inundation by the base flood. Special flood hazard areas ("SFHA" ~~or area of special~~

1213 ~~flood hazard~~) are designated on flood insurance rate maps with the letters "A" or "V"

1214 including AE, AO, AH, A1-99, and VE.

1215 NEW SECTION. SECTION 3239. There is hereby added to K.C.C. chapter

1216 21A.06 a new section to read as follows:

1217 Species of local importance: a species designated ~~by the county~~ in the

1218 Comprehensive Plan to be of local concern due to their population status, sensitivity to

1219 habitat alteration, or that ~~are~~ is a game species.

1220 SECTION 3340. Ordinance 10870, Section 288, as amended, and K.C.C.

1221 21A.06.1240 are hereby amended to read as follows:

1222 Stream: an aquatic area where surface water produces a channel, not including a

1223 wholly artificial channel((~~;~~)) unless ((~~#~~)) the artificial channel is:

1224 A. Used by ((~~salmonids~~)) fish; or

1225 B. Used to convey a stream or wetland that occurred naturally before

1226 construction of the artificial channel.

1227 NEW SECTION. SECTION 3441. There is hereby added to K.C.C. chapter

1228 21A.06 a new section to read as follows:

Commented [EA100]: Edits for clarity

Commented [EA101]: Edits for readability

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Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but not limited to, ~~these areas~~ tsunami hazard areas shown on the Washington Geological Survey Digital Data Series 22, version 2.01, ~~December 2023~~ October 2024, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.

Commented [JN102]: Clarifies what the area on the survey is

Commented [JN103]: Updates to the latest version as of May 2025.

SECTION 3542. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows:

Volcanic hazard area: ~~((a))~~ a geologically hazardous area subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars, or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are hereby amended to read as follows:

Wetland:

A. An area that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

B. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

C. Wetlands do not include those artificially created wetlands intentionally created from nonwetlands sites, including, but not limited to:

1. Surface water conveyances for drainage or irrigation;

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2. Grass-lined swales;

3. Canals;

4. Detention facilities such as flow control facilities or wetponds;

5. Wastewater treatment facilities;

6. Farm ponds;

7. Landscape amenities; or

~~((9-)) 8. Those wetlands created after July 1, 1990, that were unintentionally~~

~~created as a result of the construction of a road, street, or highway.~~

SECTION 3644. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are

hereby amended to read as follows:

Wetland functions: ~~((natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988))~~ the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.

NEW SECTION. SECTION 3745. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Commented [JN104]: Corrects drafting error in Ordinance 19034

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1275 Wetland values: ~~estimates of the worth, merit, quality, or importance of~~ wetland
1276 processes, characteristics, or attributes that are considered to benefit society. Values vary
1277 by watershed or by community. Examples of wetland values include education, research,
1278 aesthetics, and recreation.

Commented [JN105]: Consistency edits between KCCP and 21A

1279 NEW SECTION. SECTION 3846. There is hereby added to K.C.C. chapter
1280 21A.06 a new section to read as follows:

1281 Wildlife lighting: ~~measures applied to~~ exterior lighting designed and installed to
1282 reduce impacts to wildlife.

Commented [JN106]: Reorient definition from a "measure" for lighting, to the lighting itself

1283 SECTION 3947. Ordinance 10870, Section 448, as amended, and K.C.C.
1284 21A.24.010 are hereby amended to read as follows:

1285 The purpose of this chapter is to implement the goals and policies of the Growth
1286 Management Act, chapter 36.70A RCW, Washington state Environmental Policy Act,
1287 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for
1288 protection of the natural environment and the public health and safety by:

1289 A. Establishing development and alteration standards to protect functions and
1290 values of critical areas;

1291 B. Protecting members of the general public and public resources and facilities
1292 from injury, loss of life, property damage, or financial loss due to flooding, erosion,
1293 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil
1294 subsidence, or steep slope failures;

1295 C. Protecting unique, fragile, and valuable elements of the environment,
1296 including, but not limited to, fish and wildlife and their habitats, ~~((and)) while~~
1297 maintaining and promoting countywide native biodiversity;

Commented [JN107]: Reverting to existing language. The proposed language makes it appear that these two concepts are at odds with each other.

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D. Requiring ~~prioritization of avoidance and minimization measures~~ mitigation sequencing, followed by including mitigation of ~~((unavoidable))~~ adverse impacts to critical areas ~~((, by regulating alterations in or near critical areas))~~ and associated buffers;

Commented [JN108]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

Commented [JN109]: Consistency edits.

E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground ~~((,))~~ water, wetlands, and aquatic areas;

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F. Measuring the quantity and quality of wetland and aquatic area resources and ~~((preventing overall))~~ ensuring no net loss of wetland, ~~((and))~~ aquatic area, and riparian area functions and values;

Commented [JN110]: Updates to terminology

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Commented [JN111]: Adding in riparian areas as a critical area the County is required to protect against no net loss, and adding in values in addition to functions.

G. Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat;

H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits;

I. Alerting members of the public, including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas; ~~and~~

J. Providing county officials with sufficient information ~~((to protect))~~ at the time of permit application submittal to determine whether proposed land uses, activities, or development could negatively impact critical areas; ~~and~~

K. Providing clear and objective development standards, application requirements, and review processes for the administration of critical areas protection.

Commented [JN112]: Add purpose statement on code objectives

SECTION 4048. Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows:

A. This chapter applies to all land uses ~~and activities alterations~~ in King County, and all persons within the county shall comply with this chapter.

Commented [JN113]: Edit to use critical area terminology

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1321 B. King County shall not approve any permit or otherwise issue any authorization
1322 to alter the condition of any land, water, or vegetation or to construct or alter any
1323 structure or improvement without first ensuring compliance with this chapter.

1324 C. Approval of a development proposal in accordance with this chapter does not
1325 discharge the obligation of the applicant to comply with this chapter.

1326 D. ~~If an area or site contains more than one critical area or natural resource land~~
1327 ~~use designation, all designations shall apply.~~

Commented [EA114]: Removed from purpose section of Code.

1328 ~~E.~~ When ~~((any other chapter))~~ another provision of the King County Code
1329 conflicts with this chapter or when the provisions of this chapter are in conflict, the
1330 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~
1331 critical areas shall apply unless specifically provided otherwise in this chapter or unless
1332 the provision conflicts with federal or state laws or regulations.

1333 ~~((E.)) E.~~ This chapter applies to all forest practices over which the county has
1334 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

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1335 SECTION 4449. Ordinance 15051, Section 137, as amended, and K.C.C.

1336 21A.24.045 are hereby amended to read as follows:

1337 A. ~~((Within the following ((seven)) critical areas and their buffers ((a)) All))~~
1338 ~~alterations ((are allowed if the alteration complies)) that comply~~ with the development
1339 standards, ~~and prioritizes ((impact)) avoidance and minimization measures, ((and))~~
1340 ~~followed by~~ mitigation ~~((requirements)) sequencing,~~ and other applicable requirements
1341 ~~((established))~~ in this chapter are allowed within the following critical areas and their
1342 buffers:

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Commented [JN115]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

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Commented [JN116]: Streamlining language

1343 1. Critical aquifer recharge areas;

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- 1344 2. Coal mine hazard areas;
- 1345 3. Erosion hazard areas;
- 1346 4. Flood hazard areas except in the severe channel migration hazard areas;
- 1347 5. Landslide hazard areas under forty percent slope;
- 1348 6. Moderate channel migration hazard areas;
- 1349 7. Seismic hazard areas; ((and))
- 1350 7.)) 8. Tsunami hazard areas; and
- 1351 8.)) Volcanic hazard areas.
- 1352 B. Within the following ((seven)) critical areas and their buffers, unless allowed
- 1353 as an alteration exception under K.C.C. 21A.24.070, only the alterations ((on)) in the
- 1354 table in subsection C. of this section are allowed if the alteration complies with
- 1355 conditions in subsection D. of this section, ((and)) the development standards, and
- 1356 prioritizes ((impact)) avoidance and minimization measures, ((and)) followed by
- 1357 mitigation ((requirements)) sequencing, and other applicable requirements established in
- 1358 this chapter:
- 1359 1. ((Severe channel migration hazard area)) Alluvial fan hazard areas;
- 1360 2. ((Landslide hazard area over forty percent slope)) Aquatic areas;
- 1361 3. ((Steep slope hazard area)) Landslide hazard areas over forty percent slope;
- 1362 4. ((Wetland)) Riparian areas;
- 1363 5. ((Aquatic area)) Severe channel migration hazard areas;
- 1364 6. ((Wildlife habitat conservation area; and)) Steep slope hazard areas;
- 1365 7. ((Wildlife habitat network)) Wetlands;
- 1366 8. Wildlife habitat conservation areas; and

Commented [EA117]: Adding moderate channel migration hazard areas to list of critical areas where all alterations are allowed (subject to avoidance and minimization sequencing and application of development standards).

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Commented [JN118]: Legislative mark-up correction

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Commented [JN119]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

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9. Wildlife habitat networks.

C. Alteration allowances ((1)) in the following table shall be interpreted as follows:

1. If a cell is blank, the alteration is prohibited in the given critical area;

2. An "A" in a cell indicates that an alteration is allowed if the listed conditions and any applicable requirements in this chapter are met;

3. A number in a cell indicates that the numbered condition in subsection D. of this section applies;

4. Where a series of numbers separated by commas are in a cell, each of the applicable numbered conditions for that alteration applies;

5. Where more than one letter-number combination appears in a cell, the conditions of at least one letter-number combination shall be met;

6. In cases where an ((activity)) alteration is included in more than one ((activity)) category, ((the numbered conditions applicable to)) the most specific description of the ((activity)) alteration shall govern((s. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies.)); and

7. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

Commented [JN120]: Changes throughout this subsection for additional instruction and clarity on how to read and interpret the table (formatting is similar to the clearing and grading exemption table and shoreline modification table)

"Activities" is changed to "alterations" for consistency.

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Commented [JN121]: Engrosses Ordinance 19881.

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((A= ((alteration)) Alteration is allowed. Numbers indicate applicable development condition in subsection D. of this section.))	Landslide Hazard Areas	Alluvial Fan Hazard Areas	((Steep Slope Hazard Areas and	Wetland and Buffer	Aquatic Areas ((and Buffer)), Riparian	Wildlife Habitat Conservation Areas
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	Steep Slope Hazard Areas, and Buffers		Buffer)) Severe Channel Migration Hazard Area		Areas; and Wildlife Habitat Networks	
Structures						
Construction of new single detached dwelling unit				A 1	((A-2))	
Construction of a new tree-supported structure				A	A ((64)) 2	A ((64))
((Construction of nonresidential structure))				((A-3))	((A-3))	((A-3, 4))
Maintenance or repair of existing structure	A 5	A 5, 6	A 5, 6	A	A	A 4
Expansion ((or replacement)) of existing structure	((A 5, 7))	A 5, 6, 7	A ((5, 7)) 6	A 7((6, 8))	A ((6, 7)) 8	A 4, 7, 8
Replacement of existing structure	A 5			A 8	A 8	A 4, 8
Interior remodeling	A	A	A	A	A	A
Construction of new dock or pier				A 9	A ((9, 10))	
Maintenance, repair or replacement of dock or pier				A	A 10((12)) 9	A 4
Grading						
Grading	A 13	A 13	A ((13))	A 14	A 14	A 4,

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Commented [JN123]: Landslide hazard area and steep slope hazard areas are combined, with any specific allowances/conditions for steep slope hazard areas called out

Commented [JN124]: Changes in this column include:
-Splitting severe channel migration hazard areas apart from aquatic areas and riparian areas and adding it to this column.
-The allowances and conditions in this column mirror the previous aquatic area/riparian area/severe channel migration hazard column, and may include some additional changes.

Commented [JN125]: Unless noted otherwise, the changes in this column are technical. This column was formerly for steep slope hazard areas, which is consolidated into landslide hazard areas, and replaced with severe channel migration hazard area.

Commented [JN126]: A 2 not added here, as this condition (as it currently exists) does not allow this use in a severe channel migration hazard area.

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Commented [JN127]: 64 is moved to 2 in the conditions below. Table reflects this change.

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Commented [JN128]: Condition 5 is removed from alluvial fan hazard areas for clarity.

Commented [JN129]: Applies condition 6 to severe channel migration hazard areas to prohibit expansion or substantial improvement.

Commented [JN130]: Condition 5 prohibits the expansion of an existing structure in a landslide hazard area or steep slope hazard area.

Expansion and replacement are broken out into two separate uses, so this cell is blank to reflect the existing prohibition.

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Commented [JN131]: 9, 10 and 11 are combined for aquatic areas and riparian areas

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Commented [JN132]: Note 12 concerns aquatic areas (references a shoreline section). Condition 12 is deleted here. The language from Condition 12 is merged into condition 10 for riparian areas and aquatic areas.

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Commented [JN135]: Condition 13 applies to steep slope hazard areas, which is consolidated into the landslide hazard ... [1]

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	A 14	15 20 14	14			((14))
Construction of new slope stabilization	A 15, 16	<u>A 15</u> 16	A 15, 16	A 15 ₁ 16	A 15, 16	A 4, 15 ₁ 16
Maintenance of existing slope stabilization	A 15, 16	<u>A 15</u> 16	A ((13)) 15 , 16 17	A 16, 17	A 16, 17	A 4
Mineral extraction	A		((A))			
Clearing						
Clearing	A 18	<u>A 18</u>	A 18, 20	A 18, 20	A ((14,)) 18, 20	A 4, ((14,)) 18, 20
Cutting firewood	<u>A 21</u>	<u>A 21</u>	((A 21))	((A 21)) 21	((A 21))	A 4, 21
Vegetation <u>removal with a vegetation management plan</u>	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
((Removal of vegetation for fire safety)) <u>Free and vegetation clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	((A 22))	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A ((23)) 57	A 23 57	A ((23)) 57	A ((23)) 57	A ((23)) 57	A 4, ((23)) 57
Forest Practices						
Forest management activity	A	<u>A</u>	A	A	A	A 25
Roads						

Commented [JN133]: Allows for emergency work in alluvial fans (and overlapping critical areas)

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Commented [JN134]: Deletions to match Executive's intent

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Commented [JN136]: This condition is proposed for repeal. Update to table to reflect the removal.

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Commented [JN137]: Change to prohibit the cutting of firewood in wetlands and buffers, aquatic areas, riparian areas, and severe channel migration hazard areas

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Construction of new road within unimproved right-of-way						
Construction of ((new)) public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a ((plat)) land division				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A 26	A 26	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 14, 28, 70	A 28	A 28	A 28	A 28
((Construction of farm field access drive))	((A 29))		((A 29))	((A 29))	((A 29))	((A 29))
Maintenance of driveway, private access road, ((farm field access drive)) or parking lot	A	A 17	A 17	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 14, 39, 70	A 39	A 39	A 39	A 39
Bridges or culverts						

Commented [JN138]: Prohibits new roads in unimproved ROW in critical areas without a CAAE

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Maintenance or repair of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17</u>	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	<u>A 16,</u> <u>39</u>	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16, <u>30</u>	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	<u>A 16,</u> <u>17, 31</u>	A 16, 17, <u>31</u>	A 16, 17, 31	A <u>16</u> , 17, 31	A ((4)) <u>27</u>
Utilities and other infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	<u>A 32,</u> <u>33, 34</u>	A 32, <u>33</u> <u>34, 35</u>	A 32, 34	A 32, 34	A 4, ((27)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) <u>generation</u> facility	A 67	<u>A 66,</u> <u>67</u>	A ((67)) <u>66</u>	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	<u>A 29,</u> <u>32, 33,</u> <u>60</u>	A 29, 32((<u>6</u> <u>33</u>))	A 29, 32((<u>6</u> <u>60</u>))	A 29, 32((<u>6</u> <u>60</u>))	A 27, <u>29, 32</u> ((<u>6</u> <u>60</u>))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	<u>A 32,</u> <u>33</u>	A 32, <u>33</u> <u>34, 36</u>	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((A-24))		((A-24))	A 63	A 63	
Maintenance or repair of	A 37	<u>A 37</u>	A 37	A 37	A 37	A 4, 37

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Commented [JN140]: Removal to match Executive's intent

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existing well						
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	<u>A 24,</u> 37	A 24, <u>37</u>	A 24, 37	A 24, 37	A 4, <u>24,</u> 37
Construction of new surface water conveyance system	A 32, 33	<u>A 32,</u> 33, 38	A 32, ((33)) 38	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	<u>A 16,</u> 32, 33, 40, 41	A 16, 32, ((33)) 38, 40, 41	A 16, 32, 38	A 16, <u>32,</u> 38, 40, 41	A 4, <u>32,</u> 37
Construction of new surface water flow control or surface water quality treatment facility		<u>A 32</u>	<u>A 32</u>	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	<u>A 16</u>	A 16	A 16	A 16	A 4, <u>16</u>
Construction of new flood protection facility		<u>A 16,</u> 42	<u>A 42</u>	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	<u>A 33,</u> 43	A ((33)) , 43	A 43	A 43	A 27, 43

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Flood risk reduction gravel removal	A 61	<u>A 61</u>	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	<u>A 16</u>	A 16, <u>44, 45</u>	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((46))	A 46	A	A	A	A 4
Recreation						
Construction of new trail	A 46	<u>A 46</u> , <u>47</u>	A ((46)) <u>47</u>	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	<u>A 49</u>	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		<u>A 50</u>	<u>A 50</u>	A 50	A 50	A 50
Drilling and testing for critical area(s) reports, or for monitoring and data collection within critical areas	A 51	<u>A 51</u>	A 51	A 51((<u>52</u>))	A 51((<u>52</u>))	A 4
Environmental education project	A 62	<u>A 62</u>	A 62	A 62	A 62	A 62
((Agriculture)) Agricultural Activities						
Horticulture activity including	A 53	<u>A 53</u>	A 53, <u>54</u>	A 53,	A 53, 54	A 53,

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Commented [JN143]: This condition does not apply to alluvial fan hazard areas. If the trail is in a riparian area, wetland, wetland buffer, aquatic area, or wildlife habitat network, note 47 applies

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tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity				54		54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 55	A ((53, 54)) 55	A ((53, 54)) 55	A ((53, 54)) 55
Construction of a livestock heavy use area			A 55	A ((53, 54)) 55	A ((53, 54)) 55	A ((53, 54)) 55
Construction or maintenance of a farm pad			A 55	A ((56)) 55	A ((56)) 55	A ((56)) 55
Construction of agricultural drainage			A 56	A ((57)) 56	A ((57)) 56	A ((57)) 56
Maintenance or replacement of <u>existing</u> agricultural drainage	A ((23, 58)) 57	A 23, 53, 54, 58, 57	A ((23, 58)) 57	A ((23, 53, 54, 58)) 57	A ((23, 53, 54, 58)) 57	A 4, ((23, 53, 54, 58)) 57
Maintenance of agricultural		A	A 58	A	A ((69))	

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Commented [JN146]: Condition 23 and 58 are merged and renumbered to 57 in the conditions below. The table is changed to reflect the numbering shift.

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Commented [JN147]: Changes to provide clarity that existing agricultural drainage should be able to be maintained and replaced as needed.

These conditions are being removed:
53 covers existing activities. Removes the parameter for date/continuous existence. This issue is somewhat already covered by the concept of being existing agricultural drainage.

54 discusses new and expanded uses, which appear beyond the scope here for "maintenance and replacement"

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waterway		69 58		((69)) 58		
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((A 53))	A 53, 54	((A 53, 54))	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance expansion of farm field access drive	A 259	A 259	A 259	A 259	A 259	A 259
Construction of nonresidential farm structure		A 360	A 60	A 360	A 360	A 3, 4, 60
Other						
Shoreline water dependent or shoreline water oriented use					A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((59)) 64	A 6459	A ((59)) 64	A ((59)) 64	A ((59)) 64	A ((59)) 64
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17

Commented [JN148]: 69 is renumbered to 58 in the conditions below. The table is changed to reflect the numbering shift.

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Commented [JN149]: Replace maintenance with expansion to allow for basic maintenance without condition 59

Commented [JN150]: Condition 29 is moved to Condition 59

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Commented [JN152]: Condition 59 is moved to Condition 64

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1386 D. The following alteration conditions apply:

1387 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1388 limitations of subsection D.3. of this section.

1389 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
1390 was created before January 1, 2005, if:~~

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- 1391 a. ~~at least seventy five percent of the lots abutting the shoreline of the lake or~~
1392 ~~seventy five percent of the lake frontage, whichever constitutes the most developable~~
1393 ~~lake frontage, has existing density of four dwelling units per acre or more;~~
- 1394 b. ~~the development proposal, including mitigation required by this chapter, will~~
1395 ~~have the least adverse impact on the critical area;~~
- 1396 c. ~~existing native vegetation within the critical area buffer will remain~~
1397 ~~undisturbed except as necessary to accommodate the development proposal and required~~
1398 ~~building setbacks;~~
- 1399 d. ~~access is located to have the least adverse impact on the critical area and~~
1400 ~~critical area buffer;~~
- 1401 e. ~~the site alteration is the minimum necessary to accommodate the~~
1402 ~~development proposal and in no case in excess of five thousand square feet;~~
- 1403 f. ~~the alteration is no closer than:~~
- 1404 (1) ~~on a site with a shoreline environment designation of high intensity or~~
1405 ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~
1406 ~~on either side of the subject property, as measured from the ordinary high water mark of~~
1407 ~~the lake shoreline;~~
- 1408 (2) ~~on a site with a shoreline environment designation of rural, conservancy,~~
1409 ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~
1410 ~~lots on either side of the subject property, as measured from the ordinary high water~~
1411 ~~mark; and~~

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(3) ~~on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~

~~g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.))~~

~~Repeated~~ Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

a. not allowed in wildlife habitat conservation areas, wetlands, or aquatic areas;

b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;

c. the structure shall be located as far from wetlands or aquatic areas as practical, but in no case closer than seventy-five feet from a wetland or an aquatic area;

d. only one tree-supported structure within a critical area buffer or riparian area is allowed on a lot;

e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an impact on water quality;

f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife

Commented [JN153]: Moves Condition 64 to 2 and repeals 64.

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and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;

g. the structure shall not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:

(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;

(2) the attachments shall be constructed using the best available tree anchor bolt technology; and

(3) an International Society of Arboriculture Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;

h. exterior lighting shall meet the following criteria:

(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and

(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;

i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons;

j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;

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k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-adaptive plants according to an approved mitigation plan.

3. ~~((Limited to nonresidential farm structures in grazed or tilled wet meadows, ((or)) wetland buffers ((of wetlands)), or ((aquatic)) riparian areas where:~~

a. ~~the site is predominantly used for the practice of ((agriculture)) agricultural activities;~~

b. ~~the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;~~

c. ~~the structure is either:~~

(1) ~~on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;~~

(2) ~~higher in elevation and no closer to the critical area than its existing position; or~~

(3) ~~at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;~~

d. ~~all best management practices associated with the structure specified in the farm management plan are installed and maintained;~~

e. ~~installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management~~

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practices are followed and the installation does not require clearing of critical areas or their buffers; and

~~f. in an alluvial fan hazard area or a severe channel migration hazard area~~
~~((portion of an aquatic buffer only)) if:~~

~~(1) there is no feasible alternative location on site;~~

~~(2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration;~~

~~(3) the structure is not used to house animals or store hazardous substances;~~

and

~~(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site)) Repealed.~~

4. No clearing, grading, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for existing legally established structures when:

a. the ~~((landslide)) hazard, steep slope hazard, or alluvial fan hazard~~ poses little ~~((or))~~ to no risk of injury; and

b. the hazard risks ~~((of landsliding or slope instability is)) from landslides, steep slopes, or alluvial fans are low~~; ~~and~~

~~e. there is no ((t an)) expansion of the structure)).~~

6. Within an alluvial fan hazard area or severe channel migration hazard area allowed for:

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Commented [EA155]: Clarifies that grading is prohibited in wildlife habitat conservation areas during breeding seasons.

Commented [EA156]: Clarifies that allowed alterations for existing structures are only for those that were legally established.

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- 1503 a. existing legally established primary structures if:
- 1504 (1) there is not an increase of the footprint of any existing structure; and
- 1505 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1506 and

- 1507 b. existing legally established accessory structures if:
- 1508 (1) additions to the footprint will not make the total footprint of all existing
- 1509 structures more than one((-)) thousand square feet; and
- 1510 (2) there is no(~~(+an)~~) expansion of the footprint towards any source of
- 1511 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that
- 1512 the location is less subject to risk and has less impact on the critical area.

1513 7. Allowed only ~~((in ((grazed wet meadows or the)) a critical area, associated~~

1514 ~~buffer, or ((building)) critical area setback outside a severe channel migration hazard~~

1515 ~~area))~~ if:

1516 a. the structure was not established as the result of an alteration exception,

1517 variance, buffer averaging, or reasonable use exception;

1518 b. the location of the expansion has the least impact on the critical area;

1519 c. the expansion is on an existing legally established impervious surface, lawn

1520 or landscaping area, farm field, or grazed area;

1521 d. for a nonresidential structure, the expansion ~~((or replacement))~~ does not

1522 increase the footprint of a nonresidential structure;

1523 ~~((b.(1)))~~ c. for a legally established dwelling unit or accessory structure, the

1524 expansion ~~((or replacement, including any expansion of a legally established accessory~~

1525 ~~structure allowed under this subsection B.7.b.,))~~ does not increase the footprint of the

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dwelling unit and all other structures by more than one thousand square feet,
cumulatively since January 1, 2005. The footprint limitation does not ~~((including))~~
include any expansion of a drainfield made necessary by the expansion of the dwelling
unit. To the maximum extent practical, the ~~((replacement or))~~ expansion of a drainfield
in the buffer should be located within areas of existing lawn or landscaping, unless
another location will have a lesser impact on the critical area and ~~((its))~~ associated buffer;

~~((2) for a structure accessory to a dwelling unit, the expansion or
replacement is located on or adjacent to existing impervious surface areas and does not
result in a cumulative increase in the footprint of the accessory structure and the dwelling
unit by more than one thousand square feet;~~

~~(3) the location of the expansion has the least adverse impact on the critical
area; and~~

~~(4) a comparable area of degraded buffer area shall be enhanced through
removal of nonnative plants and replacement with native vegetation or climate smart
plants in accordance with an approved ((landscaping)) mitigation plan;~~

~~e. the structure was not established as the result of an alteration exception,
variance, buffer averaging or reasonable use exception;~~

~~d. to the maximum extent practical, the expansion or replacement is not
located closer to the critical area or within the relic of a channel that can be connected to
an aquatic area; and~~

~~e. The expansion of a residential structure in ((the buffer of)) a riparian area
adjacent to a ((T)) type S aquatic area that extends towards the ordinary high water mark
requires a shoreline variance if:~~

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1549	(1) the expansion is within thirty five feet of the ordinary high water mark; or	Formatted: Strikethrough
1550	(2) the expansion is between thirty five and fifty feet of the ordinary high	Formatted: Strikethrough
1551	water mark and the area of the expansion extending towards the ordinary high water mark	
1552	is greater than three hundred square feet)).	Commented [JN163]: Moved to 21A.25.210
1553	8. Allowed ((upon another portion of an existing impervious surface outside a	Formatted: Strikethrough
1554	severe channel migration hazard area)) only if:	
1555	a. ((except as otherwise allowed under subsection D.7. of this section, the	Formatted: Strikethrough
1556	structure is not located closer to the critical area)) the location of the replacement is	
1557	within the footprint of the existing structure or has the least impact on the critical area;	
1558	b. ((except as otherwise allowed under subsection D.7. of this section, the	Formatted: Strikethrough
1559	existing)) the total footprint of all structures and impervious surfaces within the critical	
1560	area or associated buffer is not expanded; ((and))	Formatted: Strikethrough
1561	c. the replacement is on an existing legally established impervious surface,	
1562	lawn or landscaping area, farm field, or grazed area; and	
1563	d. the ((degraded buffer area is enhanced through removal of nonnative plants	Formatted: Strikethrough
1564	and replacement)) footprint of an existing structure at an alternative location is	
1565	revegetated with native vegetation or climate-smart-adaptive plants in accordance with an	Commented [JN164]: Replacement in a different location requires revegetation
1566	approved ((landscaping)) mitigation plan.	
1567	9. ((Limited to piers or seasonal floating docks)) Allowed in a category II, III, or	Commented [JN165]: Changes are made in the alteration table and this condition so that condition 9 only applies in wetlands and buffers and condition 10 applies to aquatic areas and riparian areas.
1568	IV wetland or ((its)) associated buffer ((or along a lake shoreline or ((its buffer)) the	Formatted: Strikethrough
1569	adjacent riparian area where)) to access an aquatic area if:	Formatted: Strikethrough
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1570 a. the vegetation where the alteration is proposed does not consist of dominant
1571 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
1572 of this vegetation is not the result of any violation of law;

1573 b. the wetland or ~~((lake shoreline)) aquatic area~~ is not a salmonid spawning
1574 area; and

1575 c. hazardous substances or toxic materials are not used ~~((; and~~

1576 ~~d. if located in a freshwater lake, the pier or dock conforms to the standards for~~
1577 ~~docks under K.C.C. 21A.25.180)).~~

1578 10. Allowed ~~((on type N or O aquatic areas))~~ if:

1579 a. hazardous substances or toxic materials are not used;

1580 b. the aquatic area is not a salmonid spawning area; and

1581 c. on type S or F aquatic areas, complies if in compliance with K.C.C.
1582 21A.25.180.

1583 11. ~~((Allowed on type S or F aquatic areas outside of the severe channel~~
1584 ~~migration hazard area if in compliance with K.C.C. 21A.25.180)) Repealed.~~

1585 12. ~~((When located on a lake, must be in compliance with K.C.C. 21A.25.180))~~
1586 Repealed.

1587 13. Limited to steep slope hazard areas and associated buffers only, for the
1588 purposes of regrading and stabilizing of a slope formed as a result of a legal grading
1589 activity.

1590 14. ~~((The following are allowed in the severe channel migration hazard area if~~
1591 ~~conducted more than one hundred sixty five feet from the ordinary high water mark in~~

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Commented [JN168]: This condition is moved to 10 and repealed here.

In the alteration table, it is blank (not allowed) in the severe channel migration hazard area.

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Commented [JN169]: This standard is not just specific to lakes. This condition is combined with 11, moved to 10, and repealed here.

Commented [JN170]: Landslide Hazard Areas and Steep Slope Hazard Areas are combined in the alteration table. This alteration is not allowed in Landslide Hazard Areas, but allowed in Steep Slope Hazard Areas so this condition is modified to keep the limitation.

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1592 ~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary~~
1593 ~~high water mark in the urban area:~~

1594 ~~a. grading of up to fifty cubic yards on lot less than five acres; and~~
1595 ~~b. clearing of up to one thousand square feet or up to a cumulative thirty-five~~
1596 ~~percent of the severe channel migration hazard area.)~~ Allowed for emergency work in

1597 alluvial fan hazard area and overlapping critical areas if:

1598 a. in response to an emergency event where channel avulsion or migration is
1599 imminent or has occurred as a result of a pulse of in-channel sediment or debris
1600 deposition;

1601 b. to prevent an imminent threat to:

1602 (1) public roadways, utilities, and other infrastructure;

1603 (2) sole access driveways and roads;

1604 (3) dwelling units, accessory dwelling units, or accessory living quarters, and
1605 residential accessory structures;

1606 (4) farm structures necessary to store equipment, produce, or livestock;

1607 c. conducted under an approved emergency authorization request per K.C.C.

1608 16.082.065;

1609 d. the emergency work is completed within thirty days of receiving a written
1610 emergency authorization;

1611 e. the emergency work is the minimum necessary bank stabilization, sediment
1612 removal, or repair of existing infrastructure to mitigate the imminent threat;

Commented [JN171]: Moved from Condition 70 with some minor edits

Commented [JN172]: Other sections of code use "farm structures" instead of agricultural activities structures. Changed for consistency

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_____ f. proposed in-stream work is minimized or results in the least impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;

_____ g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;

_____ h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;

_____ i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:

_____ (1) mitigate any adverse ecological impacts of the emergency actions;

_____ (2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and

_____ (3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and

_____ j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.

15. Only where erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, ~~((aquatic area or wetland if,))~~ and to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

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1635 16. Allowed ~~((when))~~ for projects performed by ~~((or))~~ or at the direction of ~~((or~~
1636 ~~authorized by))~~ a government agency in accordance with regional road construction and
1637 maintenance guidelines.

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Commented [EA173]: Readability edits

1638 17. Allowed ~~((when))~~ for projects not performed under the direction of a
1639 government agency only if:

1640 a. the maintenance or expansion does not involve the use of herbicides,
1641 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian
1642 areas, wetlands, or ~~((their))~~ associated buffers; and

1643 b. when maintenance, expansion, or replacement of bridges or culverts
1644 involves water used by salmonids:

1645 (1) the work ~~((is in compliance))~~ complies with ditch standards in public rule;
1646 and

1647 (2) the maintenance of culverts is limited to removal of sediment and debris
1648 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
1649 damaged bank or channel immediately adjacent to the culvert and shall not involve the
1650 excavation of a new sediment trap adjacent to the inlet.

1651 18. Allowed for the removal of hazard trees and vegetation as necessary for
1652 surveying or testing purposes.

1653 19. The limited trimming, pruning, or removal of vegetation under a vegetation
1654 management plan approved by the department:

1655 a. in steep slope and landslide hazard areas, for the making and maintenance of
1656 view corridors; and

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b. in all critical areas, for habitat enhancement, invasive species control, or forest management activities.

20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or fruits, for restoration and enhancement projects is allowed.

21. ~~Cutting of firewood is subject to the following:~~
~~a. not allowed within~~ Allowed only for personal use in a buffer or wildlife habitat ~~(conservation area, wetland, aquatic area, steep slope hazard area, or on a tree containing an active nest ((cutting firewood is not allowed)))~~ network if:

b. ~~done in accordance with an approved forest management plan;~~

c. ~~no tree containing an active nest is cut; and~~

d. within a wildlife habitat network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386 ~~(and~~

e. ~~when firewood is for personal use, cutting is allowed within ((a)) critical areas and critical area buffers ((cutting shall be for personal use and)) when done in accordance with an approved forest management plan ((or rural stewardship plan))~~.

22. ~~((Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal))~~ Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas, ~~or severe channel migration hazard areas.~~ Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.

23. ~~((Allowed as follows:~~

a. ~~if conducted in accordance with an approved forest management plan ((,)) or farm management plan ((, or rural stewardship plan))~~; or

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Commented [JN174]: Change to prohibit cutting of firewood in wetland buffers, riparian areas, and severe channel migration hazard areas. With these changes, this subsection is written in the positive (where it is allowed), rather than the negative, for clarity.

Commented [JN175]: Reverts back to existing language, which limits the cutting of firewood in critical areas, where allowed, only for personal use.

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Commented [JN176]: Moved from below.

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Commented [JN177]: This critical area is split out into its own column in the table above. The applicable table cell is blank to reflect that this is not allowed.

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b. without an approved forest management plan~~((,))~~ or farm management plan~~((, or rural stewardship plan))~~, only if:

(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods;

(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

(3) the cleared area is revegetated with native vegetation or climate smart plants and stabilized against erosion; and

(4) herbicide use is in accordance with federal and state law~~((:))~~. Repealed.

24. Allowed to repair or replace existing ~~on-on~~-site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by ~~((the P))~~public ~~((H))~~health — Seattle & King County and:

a. there is no alternative location available with less impact on the critical area;

b. ~~((impacts to the critical area are minimized to the maximum extent practicable:))~~

~~e-))~~ the alterations will not subject the critical area to increased risk of landslide or erosion;

~~((d-))~~ c. vegetation removal is the minimum necessary to accommodate the septic system; and

~~((e-))~~ d. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

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Commented [JN178]: This is a standard requirement in the CA code for any alteration, and does not need to be called out for any one allowance.

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1702 25. Only if in compliance with published Washington state Department of Fish
1703 and Wildlife and Washington state Department of Natural Resources ~~((M))~~ management
1704 standards for the species. If there are no published Washington state standards, only if in
1705 compliance with management standards determined by the county to be consistent with
1706 best available science.

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1707 26. Allowed only if:

1708 a. there is ~~((no((t))((an))other))~~ no other feasible location with less ~~((adverse))~~
1709 impact on the critical area and ~~((its))~~ associated buffer;

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1710 b. the ~~((corridor))~~ road is not located over habitat used for salmonid rearing or
1711 spawning or by a species listed as endangered or threatened by the state or federal
1712 government unless the department determines that there is no other feasible crossing
1713 site~~((s))~~;

Commented [EA180]: Terminology update.

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1714 c. the ~~((corridor))~~ width is minimized to the maximum extent practical;

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1715 d. the construction occurs during approved periods for instream work;

1716 e. the ~~((corridor))~~ alteration will not change or diminish the overall aquatic

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1717 area flow peaks, duration, or volume or the flood storage capacity; and

1718 f. no new ~~((public right of way is))~~ roads are established within a severe
1719 channel migration hazard area.

Commented [JN181]: New roads for plats are not permitted in a moderate channel migration hazard area (21A.24.275). This change would broaden this so it would apply to severe channel migration hazard areas.

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1720 27. To the maximum extent practical, during breeding season established under
1721 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy
1722 equipment are not operated within a wildlife habitat conservation area.

1723 28. Allowed only if:

1724 a. an alternative access is not available;

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- b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;
- c. the risk associated with landslide and erosion is minimized;
- d. access is located where it is least subject to risk from channel migration; and
- e. construction occurs during approved periods for instream work.

29. ~~((Allowed ((O)) only on sites currently involved in the practice of agricultural activities if in compliance: a. with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division; b. there is no other feasible location with less adverse impact on critical areas and associated buffers; c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual; d. access is located where it is least subject to risk from channel migration; e. a floodplain development permit is obtained for any action within the floodplain; and f. all other required state and federal permits have been obtained and actions comply with such permits.))~~ Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

- a. there is no alternative location with less impact on the critical area or the critical area buffer;

Commented [JN182]: Condition 29 (concerning farm field access drives) is moved to Condition 59.

Commented [JN183]: Moves Condition 60 to Condition 29 with no changes to text.

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b. the residential utility service distribution lines meet ~~((all of))~~ the following,
to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a
species listed as endangered or threatened by the state or federal government unless the
department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel
is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is
minimized;

(6) an additional, contiguous, and undisturbed critical area buffer, equal in
area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area
buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled, or other trenchless crossings are encouraged, and shall be
laterally constructed at least four feet below the maximum depth of scour for the base
flood; and

(10) open trenching across Type O or Type N aquatic areas is only used
during low flow periods or only within aquatic areas when they are dry.

30. Allowed only if:

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1769 a. the new construction or replacement is made fish passable in accordance
1770 with the most recent Washington state Department of Fish and Wildlife manuals or with
1771 the National Marine and Fisheries Services guidelines for federally listed salmonid
1772 species; and

1773 b. the site is ~~((restored))~~ revegetated with ~~((appropriate))~~ native vegetation or
1774 ~~climate-smart-adaptive~~ plants in accordance with an approved mitigation plan.

1775 31. Allowed if necessary to bring the bridge or culvert up to current standards
1776 and if:

1777 a. there is no~~((t-an))~~ other feasible alternative available with less impact on the
1778 aquatic area and ~~((its-buffer))~~ adjacent riparian area; and

1779 b. to the maximum extent practical, the bridge or culvert is located to minimize
1780 impacts to the aquatic area and ~~((its-buffers))~~ adjacent riparian area.

1781 32. Allowed in an existing roadway if conducted consistent with the regional
1782 road maintenance guidelines.

1783 33. ~~((Allowed))~~ When outside the roadway, allowed if:

1784 a. the alterations will not subject the critical area to an increased risk ~~((of))~~
1785 ~~from~~ landslide, ~~alluvial fan~~, or erosion hazards;

1786 b. vegetation removal is the minimum necessary to locate the utility or
1787 construct the corridor; and

1788 c. significant risk of personal injury is eliminated or minimized in the landslide
1789 ~~or alluvial fan~~ hazard area.

1790 34. Limited to the pipelines, cables, wires, and support structures of utility
1791 facilities within utility corridors if:

Commented [JN184]: Technical change to use defined terms

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- 1792 a. there is no alternative location with less ~~((adverse))~~ impact on the critical
1793 area and critical area buffer;
- 1794 b. new utility corridors meet ~~((all of))~~ the following to the maximum extent
1795 practical:
- 1796 (1) are not located over habitat used for salmonid rearing or spawning or by a
1797 species listed as endangered or threatened by the state or federal government unless the
1798 department determines that there is no other feasible crossing site;
- 1799 (2) the mean annual flow rate is less than twenty cubic feet per second; and
1800 (3) paralleling the channel or following a down-valley route near the channel
1801 is avoided;
- 1802 c. to the maximum extent practical utility corridors are located so that:
- 1803 (1) the width is the minimized;
- 1804 (2) the removal of trees greater than twelve inches diameter at breast height is
1805 minimized;
- 1806 (3) an additional, contiguous, and undisturbed critical area buffer, equal in
1807 area to the disturbed critical area buffer area including any allowed maintenance roads, is
1808 provided to protect the critical area;
- 1809 d. to the maximum extent practical, access for maintenance is at limited access
1810 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
1811 maintenance road is necessary, the following standards are met:
- 1812 (1) to the maximum extent practical, the width of the maintenance road is
1813 minimized and in no event greater than fifteen feet; and

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1814 (2) the location of the maintenance road is contiguous to the utility corridor
1815 on the side of the utility corridor farthest from the critical area;
1816 e. the utility corridor or facility will not adversely impact the overall critical
1817 area hydrology or diminish flood storage capacity;
1818 f. the construction occurs during approved periods for instream work;
1819 g. the utility corridor serves multiple purposes and properties to the maximum
1820 extent practical;
1821 h. bridges or other construction techniques that do not disturb the critical areas
1822 are used to the maximum extent practical;
1823 i. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed at
1824 least four feet below the maximum depth of scour for the base flood;
1825 j. bridge piers or abutments for bridge crossing are not placed within the
1826 FEMA floodway or the ordinary high water mark;
1827 k. open trenching is only used during low flow periods or only within aquatic
1828 areas when they are dry. The department may approve open trenching of type S or F
1829 aquatic areas only if there is not a feasible alternative and ~~((equivalent or greater))~~ equal
1830 or better environmental protection can be achieved; and
1831 l. minor communication facilities may collocate on existing utility facilities if:
1832 (1) no new transmission support structure is required; and
1833 (2) equipment cabinets are located on the transmission support structure.
1834 35. Allowed only for new utility facilities in existing utility corridors.

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36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical, and no hazardous substances, pesticides or fertilizers are applied.

38. Allowed if:

a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~ riparian area, and discharging into the wetland buffer, ~~((or ((aquatic area buffer)) riparian area~~, or at the wetland or aquatic area edge, has less ~~((adverse))~~ impact upon the wetland ~~((or))~~, wetland buffer, aquatic area, or riparian area ~~((or wetland or aquatic area buffer))~~, or riparian area than if the surface water were discharged at the ~~buffer~~ ~~((s))~~ or riparian area edge and allowed to naturally drain through the buffer or riparian area;

b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the ~~((King County))~~ Surface Water Design Manual;

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

e. the outfall is designed to minimize ~~((adverse))~~ impacts to critical areas.

39. Allowed only if:

a. there is no feasible alternative with less impact on the critical area and ~~((its))~~ associated buffer;

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- 1858 b. to the maximum extent practical, the bridge or culvert is located to minimize
1859 impacts to the critical area and ~~((its))~~ associated buffer;
- 1860 c. the bridge or culvert is not located over habitat used for salmonid rearing or
1861 spawning unless there is no other feasible crossing site;
- 1862 d. construction occurs during approved periods for in-stream work; and
- 1863 e. bridge piers or abutments for bridge crossings are not placed within the
1864 FEMA floodway, severe channel migration hazard area, or waterward of the ordinary
1865 high water mark.
- 1866 40. Allowed for an open, vegetated stormwater management conveyance system
1867 and outfall structure that simulates natural conditions if:
- 1868 a. fish habitat features necessary for feeding, cover, and reproduction are
1869 included when appropriate;
- 1870 b. vegetation is maintained and added adjacent to all open channels and ponds,
1871 if necessary to prevent erosion, filter out sediments, or shade the water; and
- 1872 c. bioengineering techniques are used to the maximum extent practical.
- 1873 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 1874 a. necessary to avoid erosion of slopes; and
- 1875 b. bioengineering techniques are used to the maximum extent practical.
- 1876 42. Allowed in a severe channel migration hazard area, riparian area, or an
1877 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:
- 1878 a. if consistent with the Integrated Streambank Protection Guidelines
1879 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

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1880 techniques are used to the maximum extent practical, unless the applicant demonstrates
1881 that other methods provide equivalent structural stabilization and environmental function;

1882 b. based on a critical area((s)) report, the department determines that the new
1883 flood protection facility will not cause ((significant)) ~~adverse~~ impacts to upstream or
1884 downstream properties; and

Commented [EA186]: Consistency edits

1885 c. to prevent bank erosion for the protection of:

1886 (1) public roadways;

1887 (2) sole access routes in existence before February 16, 1995;

1888 (3) new primary dwelling units, accessory dwelling units₂ or accessory living
1889 quarters and residential accessory structures located outside the severe channel migration
1890 hazard area if:

1891 (a) the site is adjacent to or abutted by properties on both sides containing
1892 buildings or sole access routes protected by legal bank stabilization in existence before
1893 February 16, 1995. The buildings, sole access routes₂ or bank stabilization ((must)) shall
1894 be located no more than six hundred feet apart as measured parallel to the migrating
1895 channel; and

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1896 (b) the new primary dwelling units, accessory dwelling units, accessory
1897 living quarters or residential accessory structures are located no closer to the aquatic area
1898 than existing primary dwelling units, accessory dwelling units, accessory living quarters₂
1899 or residential accessory structures on abutting or adjacent properties; or

1900 (4) existing primary dwelling units, accessory dwelling units, accessory living
1901 quarters₂ or residential accessory structures if:

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1902 (a) the structure was in existence before the adoption date of a King County
1903 Channel Migration Zone hazard map that applies to that channel, if such a map exists;
1904 (b) the structure is in imminent danger, as determined by a ((geologist,
1905 ~~engineering geologist or geotechnical engineer~~) geological professional;
1906 (c) the applicant has demonstrated that the existing structure is at risk, and
1907 the structure and supporting infrastructure cannot be relocated on the lot further from the
1908 source of channel migration; and
1909 (d) nonstructural measures are not feasible.
1910 43. Applies to ~~((lawfully))~~ legally established existing structures if:
1911 a. the height of the facility is not increased, unless the facility is being replaced
1912 in a new alignment that is landward of the previous alignment and enhances aquatic area
1913 habitat and process;
1914 b. the linear length of the facility is not increased, unless the facility is being
1915 replaced in a new alignment that is landward of the previous alignment and enhances
1916 aquatic area habitat and process;
1917 c. the footprint of the facility is not expanded waterward;
1918 d. consistent with the Integrated Streambank Protection Guidelines
1919 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
1920 techniques are used to the maximum extent practical;
1921 e. the site is restored with appropriate native vegetation, or climate-smart
1922 adaptive plants and erosion protection materials ~~according to~~ in accordance with an
1923 approved mitigation plan; and

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1924 f. based on a critical area((s)) report, the department determines that the
1925 maintenance, repair, replacement, or construction will not cause ((significant)) adverse
1926 impacts to upstream or downstream properties.

1927 44. Allowed in type N and O aquatic areas if done in the least impacting way at
1928 the least impacting time of year, in conformance with applicable best management
1929 practices, and all affected instream and ((buffer)) riparian area features are restored.

1930 45. Allowed in ((a)) type S or F ((water)) aquatic areas when such work is:

1931 a. included as part of a project to evaluate, restore, mitigate, or ((improve))
1932 enhance habitat((, and));

1933 b. sponsored or cosponsored by an Indian tribe, ((public)) government agency,
1934 nonprofit organization that has natural resource management as a function, or ((by a
1935 federally recognized tribe)) a higher education institution; and

1936 c. in compliance with the criteria of subsection D.49. of this section.

1937 46. Allowed ((as long as)) if the trail surface is ((not)) constructed of
1938 ((im))pervious surfaces that ((will)) does not contribute to surface water run((-)off,
1939 ((unless)) except when the construction is necessary for soil stabilization, ((or)) soil
1940 erosion prevention, or ((unless the trail system is specifically designed and)) intended to
1941 be accessible to ((handicapped)) persons with disabilities.

1942 47. ((Not allowed in a wildlife habitat conservation area. Otherwise,
1943 a)) Allowed only in ((the buffer)) a riparian area or wetland buffer, or for crossing a
1944 category II, III, or IV wetland or a type F, N, or O aquatic area((-)) or a wildlife habitat
1945 network, if:

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- 1946 a. the trail surface is ~~((made))~~ constructed of pervious materials, except ~~((that~~
1947 ~~public multipurpose trails))~~ when and a public trails constructed for is intended to be
1948 ~~accessible to access by~~ persons with disabilities may be made of impervious materials if
1949 they meet all the requirements in K.C.C. chapter 9.12. A trail section that crosses a
1950 wetland or aquatic area shall be constructed as a raised boardwalk or bridge;
- 1951 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat
1952 network areas are expanded equal to the width of the trail corridor including disturbed
1953 areas;
- 1954 c. there is not another feasible location with less ~~((adverse))~~ impact on the
1955 critical area and ~~((its))~~ associated buffer;
- 1956 d. the trail is not located over habitat used for salmonid rearing or spawning or
1957 by a species listed as endangered or threatened by the state or federal government unless
1958 the department determines that there is no other feasible crossing site;
- 1959 e. the trail width is minimized to the maximum extent practical and private
1960 foot trails are limited to three feet in width;
- 1961 f. the construction occurs during approved periods for instream work; ~~((and))~~
- 1962 g. the trail corridor will not change or diminish the overall aquatic area flow
1963 peaks, duration or volume or the flood storage capacity~~((=))~~;
- 1964 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
1965 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
1966 the maximum extent practical;

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1967 i. trail maintenance or expansion does not involve the use of herbicides,
1968 hazardous substances, sealants, or other liquid oily substances within aquatic areas,
1969 riparian areas, wetlands, or associated buffers;
1970 j. the trail may be ((located across a critical area buffer)) allowed to cross a
1971 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform
1972 or to a permitted dock or pier; and
1973 ((i. A)) k. a private viewing platform may be allowed if it is:
1974 (1) located upland from the wetland edge or the ordinary high water mark of
1975 an aquatic area;
1976 (2) located where it will not be detrimental to the functions of the wetland or
1977 aquatic area and will have the least adverse environmental impact on the critical area or
1978 ((i. s)) associated buffer;
1979 (3) limited to fifty square feet in size;
1980 (4) constructed of materials that are nontoxic; and
1981 (5) on footings located outside of the wetland or aquatic area.
1982 48. Only if the maintenance:
1983 a. does not involve the use of herbicides or other hazardous substances except
1984 for the removal of noxious weeds or invasive vegetation;
1985 b. when salmonids are present, the maintenance is in compliance with ditch
1986 standards in public rule; and
1987 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
1988 culvert, engineered slope, or other improved area being maintained.

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1989 49. Limited to alterations to create, restore, or enhance aquatic or wetland
1990 habitat forming processes or ~~((directly restore))~~ habitat functions and values, including
1991 ~~((access for))~~ construction access necessary for the project, as follows:
1992 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~
1993 ~~resource management as a primary function or by a federally recognized tribe;~~
1994 b.)) creation, restoration, and enhancement plans shall be prepared by an
1995 ~~((qualified biologist)) ecological professional; ((or~~
1996 ~~e. conducted in accordance with an approved forest management plan, farm~~
1997 ~~management plan or rural stewardship plan))~~ projects shall provide a net ecological
1998 benefit and increase in functions over the existing ecological and functional conditions of
1999 the critical area; and
2000 b. ~~the applicant provides~~ an ecological critical area report shall include that
2001 includes the following:
2002 (1) an evaluation of the anticipated net change in ecological functions from
2003 pre-project to post project; and
2004 (2) a mitigation plan for impacts to critical areas and associated buffers,
2005 unless the applicant demonstrates to the satisfaction of the department that the proposed
2006 project will provide a net ecological benefit and increase in function over the existing
2007 conditions of the project area; and
2008 (3) a monitoring and reporting plan to demonstrate the gain of ecological
2009 function.

Commented [JN192]: This condition covers all critical areas, not just aquatic and wetland habitats. Deleted for clarity.

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Commented [JN193]: Deleted, as this is duplicative to requirements for a critical area report.

Commented [JN194]: Moves language from below.

Redline provided for illustrative purposes only

2010 50. Allowed in accordance with a scientific sampling permit issued by
2011 Washington state Department of Fish and Wildlife or an incidental take permit issued
2012 under Section 10 of the Endangered Species Act.

2013 51.a. Allowed ~~((for the))~~ if done with minimal clearing and grading, including
2014 site access, necessary to prepare critical area reports.

Commented [JN195]: Changes include merging 51 and 52 for clarity.

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2015 ~~((52-))~~ b. The following are allowed in a wetland, wetland buffer, aquatic area,
2016 riparian area, and severe channel migration hazard area if associated spoils are contained:

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2017 ~~((a-))~~ (1) data collection and research if carried out to the maximum extent
2018 practical by nonmechanical or hand ~~((-))~~ held equipment;

Commented [JN196]: Existing code limits Condition 52 to these critical areas in the alterations table above. The merging of Conditions 51 and 52 in the alteration table requires calling out these specific critical areas for this subsection.

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2019 ~~((b-))~~ (2) survey monument placement;

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2020 ~~((e-))~~ (3) site exploration and gage installation if performed in accordance with
2021 state-approved sampling protocols and accomplished to the maximum extent practical by
2022 hand ~~((-))~~ held equipment ~~((and))~~; or

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2023 ~~((4))~~ similar work associated with an incidental take permit issued under
2024 Section 10 of the Endangered Species Act or consultation under Section 7 of the
2025 Endangered Species Act.

2026 52. Repealed.

2027 53. ~~((Limited to))~~ a. Allowed for agricultural activities in the same footprint if:

Commented [JN197]: Condition 53 addresses existing agricultural activities.

2028 (1) in continuous existence ~~((since))~~ as of January 1, 2005 ~~((with no~~

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2029 expansion within the critical area or critical area buffer)); or

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2030 (2) legally established after January 1, 2005, and in continuous existence since
2031 establishment.

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Commented [JN198]: Separates expansion to condition 54.

Redline provided for illustrative purposes only

b. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and

associated with these ~~((horticultural and))~~ agricultural activities. Transfer of ownership, sale, or leasing of land shall not affect continuous existence.

54. Only ((A)) allowed ((for)) as follows:

a. Limited to the following activities:

(1) expansion of existing agricultural activities qualifying under subsection D.53. of this subsection;

(2) conversion of one type of agricultural activity to another, including changing the types of crops harvesting method or changing from crops to livestock, qualifying under subsection D.53. of this section; or

(3) establishment of new agricultural activities; ((where:

a. the site is predominantly involved in the practice of ((agriculture)) agricultural activities;))

b. agriculture is the primary activity on the site;

c. there is no expansion or new activity in ((to)) an area that:

(1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G forest practice permit; ((or))

(2) is ((more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including)) an aquatic area or a wetland, except grazed or tilled wet meadows; or

Commented [JN199]: Horticulture is included in agricultural activities. No other specific ag activities are called out here (like grazing livestock), so removing for streamlining.

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Commented [JN200]: Addresses transfer of ownership

Commented [JN201]: Condition 54 addresses expansion of existing activities

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Commented [JN202]: Reframes the use to be primary on the site, rather than the site having a primary use. Lists out specific uses from the land use table that pertain specifically to growing crops/animals

Commented [JN203]: Changes made to match Executive's intent to limit agricultural activities under Condition 54 to those on sites primarily used for agriculture ("the use of land for commercial purposes for either the raising of crops or livestock or the production of agricultural products, or both"), rather than agricultural activities (which includes other uses like processing, promotion, sale, storage, packaging and distribution). This reverts this back to existing code.

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Commented [EA204]: Clarifies that alteration within an aquatic area would be prohibited.

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Commented [EA205]: Adds allowance for alterations in grazed or till wet meadow wetlands, consistent with other allowances in the Code.

Redline provided for illustrative purposes only

2054 (3) is a wetland buffer, or riparian area that contains predominately native
2055 forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or
2056 herbaceous layer not including~~excludes~~ areas ~~((that are actively managed as agricultural~~
2057 ~~crops for pulpwood, Christmas trees, or ornamental nursery stock))~~ where native species
2058 are commercially planted and harvested as crops; and
2059 ~~((e.))~~ d. the activities are ~~((in compliance))~~ consistent with an approved farm
2060 management plan in accordance with K.C.C. 21A.24.051, including any best
2061 management practices applicable to the activity ~~((; and~~
2062 d. all best management practices associated with the activities specified in the
2063 farm management plan are installed and maintained)).
2064 55. Only allowed if:
2065 a. associated with an activity that qualifies under subsection D.53. or D.54. of
2066 this section;
2067 b. located in an existing grazed, ((or)) tilled ((wet meadows or ((their))
2068 associated buffers if:
2069 a. the facilities are designed to the standards of an approved farm management
2070 plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ((or an
2071 approved livestock management plan in accordance with K.C.C. chapter 21A.30)), or
2072 impervious area;
2073 c. there is no expansion or new activity in areas identified in subsection D.54.c.
2074 of this section;
2075 ~~((b.))~~ d. there is ~~((not a))~~ no other feasible alternative location available on the
2076 site that is located outside of the critical area or associated buffer; ~~((and~~

Commented [JN206]: Clarity edits.

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Commented [JN207]: Removes specific examples of trees

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Commented [JN208]: Consistency edits.

Commented [JN209]: Narrows BMPs to only those that apply to the activity, rather than the entire site

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Commented [JN210]: Consolidates farm BMPs into subsection c.

Commented [JN211]: Condition 55 addresses existing agricultural activities and expansion of agricultural activities. New agricultural activities are not allowed.

This note replaces 53, 54, 55, and 56 for livestock manure storage facilities and livestock heavy use areas. It is intended to maintain the same conditions (with edits) as 53-56

Commented [JN212]: Limits the construction of a livestock manure storage facility to commercial agriculture uses only

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Commented [JN213]: Correction to match Executive's intent

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~~e.)~~ e. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity; and

f. the ~~((facilities are))~~ alteration is located as close to the outside edge of the critical area or critical area buffer to the maximum extent practical; and

g. within a severe channel migration hazard area, the alteration is located:

(1) outside of the shoreline jurisdiction; and

(2) in an area with the least risk from channel migration.

56. ~~((Only allowed in:~~

~~a.(1) a severe channel migration hazard area located outside of the shoreline((s)) jurisdiction area;~~

~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~

~~(3) ((aquatic area buffer)) grazed or tilled riparian area; and only if:~~

~~b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;~~

~~(2) there is ((not another)) no other feasible location available on the site that is located outside of the critical area or critical area buffer;~~

~~(3) the farm pad, livestock manure storage facility, or livestock heavy use area is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and~~

~~(4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, or livestock heavy use area is located where it is least subject to risk from channel migration.~~

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Commented [JN215]: This is added in from Condition 56.

Commented [JN216]: Condition 56 is consolidated into Condition 55.

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2100 ~~57.)~~ Allowed for new agricultural drainage ~~((in compliance))~~ consistent with an
2101 approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((and all))~~,
2102 including any best management practices ~~((associated with))~~ applicable to the ~~((activities~~
2103 ~~specified in the farm management plan are installed and maintained))~~ activity.

2104 ~~((58. If))~~ 57. Allowed as follows:

2105 a. if conducted in accordance with an approved forest management plan or
2106 farm management plan in accordance with K.C.C. 21A.24.051; or

2107 b. without an approved forest management plan or farm management plan,
2108 only if:

2109 (1) the agricultural drainage is not used by salmonids ~~((maintenance shall~~
2110 ~~((be in compliance))~~ comply with an approved farm management plan in accordance with
2111 K.C.C. 21A.24.051);

2112 (2) vegetation removal is undertaken with hand labor, including handheld
2113 mechanical tools, unless the King County noxious weed control board otherwise
2114 prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides,
2115 or biological control methods;

2116 (3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2117 (4) the cleared area is revegetated with native vegetation or climate-adaptive
2118 plants and stabilized against erosion; and

2119 (5) herbicide use is in accordance with federal and state law.

2120 58. Only for maintenance of agricultural waterways if:

2121 a. the purpose of the maintenance is to improve agricultural production on a
2122 site predominately engaged in the practice of agriculture;

Commented [JN217]: Condition 57 is moved up to Condition 56.

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Commented [JN218]: Consistency edits.

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Commented [JN219]: Condition 58 is moved up to Condition 57. Condition 23 was incorporated into this condition.

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Commented [JN220]: This was condition 69.

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b. the maintenance is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife in accordance with chapter 77.55 RCW;

c. the maintenance complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;

d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;

e. the maintenance complies with K.C.C. chapter 16.82; and

f. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed ~~((within existing landscaped areas or other previously disturbed areas))~~ on sites with an activity that qualifies under subsections D.53. or 54. of this section when:

a. consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity;

b. there is no other feasible location with less impact on critical areas and associated buffers;

c. in compliance with the Surface Water Design Manual, which includes:

Commented [JN221]: Adds consistency with farm management plan to requirements

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Commented [JN222]: Condition 29 is moved to condition 59.

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2145 ~~(1) farmland dispersion requirements for properties within an Agricultural~~
2146 ~~Production District, enrolled in the Farmland Preservation Program, or zoned A; or~~

2147 ~~(2) any applicable flow control best management practices for all other~~
2148 ~~properties;~~

2149 ~~d. access is located where it is least subject to risk from channel migration;~~

2150 ~~e. a floodplain development permit is obtained for any action within the~~
2151 ~~floodplain; and~~

2152 ~~f. all other required state and federal permits have been obtained and actions~~
2153 ~~comply with such permits.~~

2154 60. ~~(1) Allowed for residential utility service distribution lines to residential~~
2155 ~~dwelling, including, but not limited to, well water conveyance, septic system~~
2156 ~~conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:~~

2157 ~~a. there is no alternative location with less adverse impact on the critical area~~
2158 ~~or the critical area buffer;~~

2159 ~~b. the residential utility service distribution lines meet ((all of)) the following,~~
2160 ~~to the maximum extent practical:~~

2161 ~~(1) are not located over habitat used for salmonid rearing or spawning or by a~~
2162 ~~species listed as endangered or threatened by the state or federal government unless the~~
2163 ~~department determines that there is no other feasible crossing site;~~

2164 ~~(2) not located over a type S aquatic area;~~

2165 ~~(3) paralleling the channel or following a down valley route near the channel~~
2166 ~~is avoided;~~

2167 ~~(4) the width of clearing is minimized;~~

Commented [JN223]: With the changes in the farm field access drive definition, changes are made to distinguish when certain provisions apply to FPP, APD, and A zone properties

Commented [JN224]: Moves Condition 60 to Condition 29 with no changes to text.

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2168 ~~(5) the removal of trees greater than twelve inches diameter at breast height is~~
2169 ~~minimized;~~

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2170 ~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in~~
2171 ~~area to the disturbed critical area buffer area is provided to protect the critical area;~~

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2172 ~~(7) access for maintenance is at limited access points into the critical area~~
2173 ~~buffer.~~

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2174 ~~(8) the construction occurs during approved periods for instream work;~~

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2175 ~~(9) bored, drilled, or other trenchless crossings are ((is)) encouraged, and~~
2176 ~~shall be laterally constructed at least four feet below the maximum depth of scour for the~~
2177 ~~base flood; and~~

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2178 ~~(10) open trenching across Type O or Type N aquatic areas is only used~~

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2179 ~~during low flow periods or only within aquatic areas when they are dry.) Limited to~~
2180 nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers,
2181 riparian areas where:

Commented [JN225]: Condition 3 is moved to condition 60, with edits. This move puts most agricultural activities together in one location.

2182 a. the primary use of the site is an activity qualifying under subsection D.53. or
2183 54. of this section;

Commented [JN226]: Requires the site to primarily have an agricultural activity.

2184 b. the structure is consistent with an approved farm management plan in
2185 accordance with K.C.C. 21A.24.051, including any best management practices applicable
2186 to the structure;

Commented [JN227]: Consistency edits and consolidation of what was previously subsection B.3.d.

2187 c. the structure is either:

Commented [JN228]: Where multiple BMPs are on a property, changes are made here so that it is only the structure that needs to be consistent with applicable BMPs

2188 (1) on or adjacent to existing nonresidential impervious surface areas,
2189 additional impervious surface area is not created waterward of any existing impervious
2190 surface areas, and the area was not used for crop production;

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_____ (2) higher in elevation and no closer to the critical area than its existing
position; or

_____ (3) at a location away from existing impervious surface areas that is
determined to be the optimum location in the farm management plan;

Commented [JN229]: Changed term for accuracy

_____ d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
require the development of a farm management plan if required best management
practices are followed and the installation does not require clearing of critical areas or
their buffers; and

_____ e. in an alluvial fan hazard area or a severe channel migration hazard area if:

_____ (1) there is no feasible alternative location on-site;

_____ (2) the structure is located where it is least subject to risk from alluvial fan
hazards or channel migration;

_____ (3) the structure is not used to house animals or store hazardous substances;
and

_____ (4) the total footprint of all accessory structures within the severe channel
migration hazard area will not exceed the greater of one thousand square feet or two
percent of the severe channel migration hazard area on the site.

61. Allowed if sponsored or cosponsored by the countywide flood control zone
district, or the department of natural resources and parks and the department of local
services, permitting division, determines that the project and its location:

a. is the best flood risk reduction alternative ~~((practicable))~~ practical;

Commented [JN230]: Technical edit

b. is part of a comprehensive, long-term flood management strategy;

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c. is consistent with the King County Flood Management Plan policies;

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2214 d. will have the least ~~((adverse))~~ impact on the ecological functions of the
2215 critical area or ~~((its))~~ associated buffer, including habitat for fish and wildlife that are
2216 identified for protection in the King County Comprehensive Plan; and
2217 e. has been subject to public notice in accordance with K.C.C. 20.44.060.
2218 62.a. Not allowed in wildlife habitat conservation areas;
2219 b. Only allowed if:
2220 (1) the project is sponsored or cosponsored by a public agency whose primary
2221 function ~~((deals with))~~ is natural resources management;
2222 (2) the project is located on public land or on land that is owned by a
2223 nonprofit agency whose primary function ~~((deals with))~~ is natural resources management;
2224 (3) there is not a feasible alternative location available on the site with less
2225 impact to the critical area or ~~((its))~~ associated buffer;
2226 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
2227 (5) the project minimizes the footprint of structures and the number of access
2228 points to any critical areas; and
2229 (6) the project meets the following design criteria:
2230 (a) to the maximum extent practical size of platform shall not exceed one
2231 hundred square feet;
2232 (b) all construction materials for any structures, including the platform,
2233 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as
2234 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2235 fiberglass, or cured concrete that the department determines will not have an ~~((adverse))~~
2236 impact on water quality;

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2237 (c) the exterior of any structures are sufficiently camouflaged using netting
2238 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
2239 practical. The camouflage shall be maintained to retain concealment effectiveness;

2240 (d) structures shall be located outside of the wetland or aquatic area
2241 landward of the ~~((Q))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water
2242 component, ~~((f))~~if applicable~~((t))~~, to the maximum extent practical on the site;

2243 (e) construction occurs during approved periods for work inside the
2244 ~~((Q))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;

2245 (f) construction associated with bird blinds shall not occur from March 1
2246 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
2247 and rearing seasons;

2248 (g) to the maximum extent practical, provide accessibility for persons with
2249 physical disabilities in accordance with the International Building Code;

2250 (h) trail access is designed in accordance with public rules adopted by the
2251 department;

2252 (i) existing native vegetation within the critical area will remain undisturbed
2253 except as necessary to accommodate the ~~((proposal))~~ project. Only minimal hand
2254 clearing of vegetation is allowed; and

2255 (j) disturbed bare ground areas around the structure ~~((must))~~ shall be
2256 ~~((replanted))~~ revegetated with native vegetation or climate-smart-adaptive plants
2257 approved by the department.

Commented [JN232]: Consistency edit to reflect the terminology used in this condition 62.

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2258 63. ~~((Not a))~~ Allowed ~~((in the severe channel migration ((zone,)) hazard area.~~
2259 ~~Otherwise allowed))~~ if there is no alternative location with less ~~((adverse))~~ impact on the
2260 critical area and buffer, and clearing is minimized to the maximum extent practical.

2261 64. ~~((Only structures wholly or partially supported by a tree and used as~~
2262 accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1,
2263 subject to the following:

2264 a. not allowed in wildlife habitat conservation areas, ~~wetlands, aquatic areas, or~~
2265 severe channel migration hazard areas;

2266 b. the structure's floor area shall not exceed two hundred square feet, excluding
2267 a narrow access stairway or landing leading to the structure;

2268 c. the structure shall be located as far from ~~((the critical area))~~ ~~wetlands or~~
2269 ~~aquatic areas~~ as practical, but in no case closer than seventy-five feet from ~~((the critical~~
2270 ~~area))~~ ~~a wetland or an aquatic area~~;

2271 d. only one tree supported structure within a critical area buffer ~~or riparian area~~
2272 is allowed on a lot;

2273 e. all construction materials for the structure, including the platform, pilings,
2274 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as
2275 nontreated wood, vinyl coated wood, nongalvanized steel, plastic, plastic wood,
2276 fiberglass, or cured concrete that the department determines will not have an adverse
2277 impact on water quality;

2278 f. to the maximum extent practical, the exterior of the structure shall be
2279 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife

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Commented [JN234]: Severe Channel Migration Hazard Areas were moved their own column in the table above with a blank cell (not allowed). This note deletes severe channel migration hazard areas as it is not needed.

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Commented [JN235]: This condition is moved to 2 and repealed here.

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and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;

~~g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:~~

~~(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;~~

~~(2) the attachments shall be constructed using the best available tree anchor bolt technology; and~~

~~(3) an ((ISA)) International Society of Arboriculture Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;~~

~~h. exterior lighting shall meet the following criteria:~~

~~(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and~~

~~(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;~~

~~i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons;~~

~~j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;~~

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2302 ~~k. to the maximum extent practical, existing native vegetation shall be left~~
2303 ~~undisturbed. Only minimal hand clearing of vegetation is allowed; and~~

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2304 ~~l. vegetated areas within the critical area buffer or riparian area that are~~
2305 ~~temporarily impacted by construction of the structure shall be restored by planting native~~
2306 ~~vegetation or climate smart plants according to a ((vegetation management)) mitigation~~
2307 ~~plan approved by the department.)) Allowed within existing landscaped areas or other~~
2308 ~~previously disturbed areas.~~

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Commented [JN236]: Moved from condition 59.

2309 65. Shoreline water dependent and shoreline water oriented uses are allowed in
2310 ~~((the aquatic area and aquatic area buffer of a))~~ ~~((T))~~ type S aquatic area and adjacent
2311 riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the
2312 ~~((King County))~~ Comprehensive Plan.

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2313 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the
2314 requirements of K.C.C. 21A.08.100.B.14., and only as follows:

2315 a. there is ~~((not another))~~ no other feasible location within the aquatic area with
2316 less ~~((adverse))~~ impact on the critical area and ~~((its))~~ associated buffer;

Commented [JN237]: Consistency edits.

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2317 b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid
2318 rearing or spawning or by a species listed as endangered or threatened by the state or
2319 federal government unless the department determines that there is no other feasible
2320 location;

2321 c. the facility is not located in Category I wetlands or Category II wetlands
2322 with a habitat score of ~~((8))~~ eight points or greater;

2323 d. the corridor width is minimized to the maximum extent practical;

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2324 e. paralleling the channel or following a down-valley route within ~~((an aquatic~~
2325 ~~area buffer))~~ a riparian area is avoided to the maximum extent practical;
2326 f. the construction occurs during approved periods for instream work;
2327 g. the facility and corridor will not change or adversely impact the overall
2328 aquatic area flow peaks, duration or volume or the flood storage capacity;
2329 h. ~~((the facility and corridor ((is)) are not))~~ no new facilities are located within
2330 a severe channel migration hazard area;
2331 i. to the maximum extent practical, buildings will be located outside the
2332 wetland buffer or riparian area and away from the wetland or aquatic area ~~((or wetland))~~;
2333 j. to the maximum extent practical, access for maintenance is at limited access
2334 points into the critical area or associated buffer rather than by a parallel maintenance
2335 road. If a parallel maintenance road is necessary, the following standards are met:
2336 (1) to the maximum extent practical the width of the maintenance road is
2337 minimized and in no event greater than fifteen feet; and
2338 (2) the location of the maintenance road is contiguous to the utility corridor
2339 on the side of the utility corridor farthest from the critical area;
2340 k. the facility does not pose an unreasonable threat to the public health, safety,
2341 or welfare on or off the development proposal site and is consistent with the general
2342 purposes of this chapter and the public interest; and
2343 l. the facility connects to or is an alteration to a public roadway, public trail, a
2344 utility corridor or utility facility, or other infrastructure owned or operated by a public
2345 utility.

Commented [JN238]: Drafting correction.

Commented [EA239]: Readability edit.

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- 2346 67. Only hydroelectric (~~(generating)~~) generation facilities meeting the
2347 requirements of K.C.C. 21A.08.100.B.14, and only as follows:
- 2348 a. there is no(~~+-an~~)other feasible location with less ~~((adverse))~~ impact on the
2349 critical area and (~~(is)~~) associated buffer;
- 2350 b. the alterations will not subject the critical area to an increased risk of
2351 landslide or erosion;
- 2352 c. the corridor width is minimized to the maximum extent practical;
- 2353 d. vegetation removal is the minimum necessary to locate the utility or
2354 construct the corridor;
- 2355 e. the facility and corridor do not pose an unreasonable threat to the public
2356 health, safety, or welfare on or off the development proposal site and (~~(is)~~) are consistent
2357 with the general purposes of this chapter, and the public interest and significant risk of
2358 personal injury (~~(is)~~) are eliminated or minimized in the landslide hazard area; and
- 2359 f. the facility connects to or is an alteration to a public roadway, public trail, a
2360 utility corridor or utility facility or other infrastructure owned or operated by a public
2361 utility.
- 2362 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2363 only as follows:
- 2364 a. the heat exchanger (~~((must))~~) shall be a closed loop system that does not draw
2365 water from or discharge to the lake;
- 2366 b. the lake bed shall not be disturbed, except as required by the county or a
2367 state or federal agency to mitigate for impacts of the heat exchanger;

Commented [JN240]: Consistency edits.

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2368 c. the in-water portion of system is only allowed where water depth exceeds
2369 six feet; and
2370 d. system structural support for the heat exchanger piping shall be attached to
2371 an existing dock or pier or be attached to a new structure that meets the requirements of
2372 K.C.C. 21A.25.180.

2373 69. ~~((Only for maintenance of agricultural waterways if:~~
2374 ~~a. the purpose of the maintenance project is to improve agricultural production~~
2375 ~~on a site predominately engaged in the practice of agriculture;~~
2376 ~~b. the maintenance project is conducted in compliance with a hydraulic project~~
2377 ~~approval issued by the Washington state Department of Fish and Wildlife ((pursuant to))~~
2378 ~~in accordance with chapter 77.55 RCW;~~
2379 ~~c. the maintenance project complies with the King County agricultural~~
2380 ~~drainage assistance program as agreed to by the Washington state Department of Fish and~~
2381 ~~Wildlife, the department of local services, permitting division, and the department of~~
2382 ~~natural resources and parks, and as reviewed by the Washington state Department of~~
2383 ~~Ecology;~~
2384 ~~d. the person performing the maintenance and the landowner have attended~~
2385 ~~training provided by King County on the King County agricultural drainage assistance~~
2386 ~~program and the best management practices required under that program; and~~
2387 ~~e. the maintenance project complies with K.C.C. chapter 16.82)) Repealed.~~
2388 ~~70. Only allowed within an alluvial fan hazard area, and overlapping critical~~
2389 ~~areas if:~~

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2390 ~~_____ a. in response to an emergency event where channel avulsion or migration is~~
2391 ~~imminent or has occurred as a result of a pulse of in-channel sediment or debris~~
2392 ~~deposition;~~
2393 ~~_____ b. to prevent an imminent threat to:~~
2394 ~~_____ (1) public roadways, utilities, and other infrastructure;~~
2395 ~~_____ (2) sole access driveways and roads;~~
2396 ~~_____ (3) primary dwelling units, accessory dwelling units, or accessory living~~
2397 ~~quarters, and residential accessory structures;~~
2398 ~~_____ (4) agricultural activities structures necessary to store equipment, produce, or~~
2399 ~~livestock;~~
2400 ~~_____ c. conducted under an approved emergency authorization request per K.C.C.~~
2401 ~~16.082.065;~~
2402 ~~_____ d. the emergency work is completed within thirty days of receiving a written~~
2403 ~~emergency authorization;~~
2404 ~~_____ e. the emergency work is the minimum necessary bank stabilization, sediment~~
2405 ~~removal, or repair of existing infrastructure to mitigate the imminent threat;~~
2406 ~~_____ f. proposed in-stream work is minimized or results in the least adverse impact~~
2407 ~~in the short term to the ecological functions and values of the critical areas present,~~
2408 ~~including special consideration for fish or fish eggs in the project area;~~
2409 ~~_____ g. downstream sediment runoff and turbidity is minimized and does not exceed~~
2410 ~~the impact of the emergency event;~~

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~~h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;~~
~~i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:~~
~~(1) mitigate any adverse ecological impacts of the emergency actions;~~
~~(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and~~
~~(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and~~
~~j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.~~

SECTION 4250. Ordinance 15051, Section 138, as amended, and K.C.C.

21A.24.051 are hereby amended to read as follows:

A. ~~((The alterations identified in K.C.C. 21A.24.045 for a))~~ Agricultural activities ~~((are allowed to expand within ((the buffers of)) wetland((s)) buffers, ((aquatic areas)) riparian areas, and wildlife habitat conservation areas,))~~ when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan ~~in accordance with~~ allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

Commented [JN243]: This section is re-written to focus on the development standards for agricultural activities, rather than another layer of allowances/restrictions in addition to the alterations table.

The changes in this subsection A are intended to be clear on the purpose of the section and reflect the development standard focus with a cross reference to connect to alterations table in K.C.C. 21A.24.045.

This section focuses on the scope/requirements of agricultural activities, such as how agricultural activities are designated, in addition to requirements of a farm management plan. Where agricultural activities are allowed remains limited by K.C.C. 21A.24.045 (and is mentioned so in this section).

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B. For the purposes of this chapter, proof of agricultural activities and commercial production of agricultural products may be demonstrated through one or more of the following:

1. filing of an IRS schedule F for the preceding year;
2. currently holds a USDA organic certification producer certification;
3. enrolled in the current use classification "farm and agricultural land" under chapter 84.34 RCW;
4. meets the eligibility for current use classification "farm and agricultural land" under chapter 84.34 RCW with proof of enrollment within two years; or
5. other comparable documentation of commercial farming activity accepted by the department.

C. Farm management plans shall be consistent with this section and, for livestock activities, ((a farm management plan in accordance)) also consistent with K.C.C. chapter 21A.30.

((B.)) D. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

((C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas,

Commented [JN244]: The proposed definition of commercial production of agricultural activities is removed from above and incorporated into this section with modifications.

The changes reduce the duration to allow newer commercial farmers to meet these requirements.

Commented [JN245]: Clarity edits to better connect to K.C.C. 21A.30.

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horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.

~~D.) E. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~ A property owner or applicant

seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;

2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;

3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site;

4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

~~(E.) F.~~ If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;

2. Consider the priorities of the King County shoreline protection and restoration plan; and

Commented [JN246]: This section is duplicative with K.C.C. 21A.24.061, which discusses DNRP as being the primary agency and development of a public rule. Revisions are made to this section to focus only on applicants/FMP requirements and K.C.C. 21A.24.061 focuses on County agency roles.

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2478 3. Ensure no net loss of shoreline ecological functions and critical area
2479 functionsa and values.
2480 ~~((F. ((The property owner or applicant may develop the farm management plan as~~
2481 ~~part of a program offered or approved by King County.))~~ G. The plan shall include, but
2482 is not limited to, the following elements:
2483 1. A site inventory identifying critical areas, structures, cleared and forested
2484 areas, and other significant features on the site;
2485 2. Site-specific performance standards and best management practices to
2486 maintain, restore, or enhance critical areas and ~~((their))~~ associated buffers, and maintain
2487 and enhance native vegetation on the site, including the best management practices for
2488 the installation and maintenance of farm field access drives and agricultural drainages;
2489 3. A plan for future changes to any existing structures or for any changes to the
2490 landscape that involve clearing or grading;
2491 4. A plan for implementation of performance standards and best management
2492 practices;
2493 5. A plan for monitoring the effectiveness of measures taken to protect critical
2494 areas and ~~((their))~~ associated buffers ~~((and to modify)).~~ Modification to the farm
2495 management plan ~~should~~ shall occur if ~~((adverse))~~ impacts ~~((occur))~~ to critical areas or
2496 associated buffers are identified.
2497 ~~((G.))~~ H. If applicable, a farm management plan shall include documentation of
2498 compliance with flood compensatory storage and flood conveyance in accordance with
2499 K.C.C. 21A.24.240.

Commented [EA248]: Drafting correction.

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Commented [JN249]: Streamlining of text.

Commented [JN250]: Changes "should" to "shall" to improve CA protections

Commented [JN251]: Consistency edits.

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Commented [JN252]: Identifies what is being impacted.

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2500 ~~((H. A))~~ I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a
2501 farm management plan is not effective until approved by the county. Before approval,
2502 the county may conduct a site inspection, ~~((which may be through a program offered or
2503 approved by King County,))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish
2504 the goals in subsection ~~((D.))~~ E. of this section and consistent with subsection ~~((E.))~~ F. of
2505 this section.

2506 ~~((I.))~~ I. ~~((Once approved, a))~~ Activities carried out ~~((in compliance))~~ consistent
2507 with ~~((the))~~ an approved farm management plan shall be deemed in compliance with this
2508 chapter. In the event of a potential code enforcement action, ~~((the department of local
2509 services, permitting division, shall first inform the department of natural resources and
2510 parks of the activity. Before taking code enforcement action,))~~ the department of local
2511 services, permitting division, shall consult with the department of natural resources and
2512 parks and the King Conservation District to determine whether the activity is consistent
2513 with the farm management plan.

2514 SECTION 4351. Ordinance 15051, Section 140, as amended, and K.C.C.
2515 21A.24.061 are hereby amended to read as follows:

2516 A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm
2517 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural
2518 resource land and rural area residents to establish and maintain a rural lifestyle that
2519 includes activities such as farming ~~((and forestry))~~, while maintaining and enhancing
2520 rural character and environmental quality.

2521 B. The department of natural resources and parks shall be responsible for farm
2522 management plans that are filed with the county and serve as the primary county agency

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Commented [JN253]: Reflects current practice of review.

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point of contact. The department of natural resources and parks shall consult with the
department of local services, permitting division, in carrying out the responsibilities
under this chapter relating to farm management plans. King County and the King
Conservation District may enter into agreements to carry out the provisions of this title
relating to farm management plans.

Commented [JN256]: Language from K.C.C. 21A.24.051.C. moved to this section.

C.1. The department of natural resources and parks and department of local
services shall adopt public rules to implement K.C.C. 21A.24.045 ~~((and)), 21A.24.051~~
~~((relating to rural stewardship plans and farm management plans))~~, and K.C.C.
21A.30.045, consistent with the provisions of this section. The rules shall ~~((not~~
~~compromise))~~ be consistent with the King Conservation District's mandates or standards

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for farm management planning. ~~The rules may provide for different types of farms~~
~~management plans related to different kinds of agricultural activities, including, but not~~
~~limited to best management practices for livestock management, livestock crossing,~~
~~livestock heavy use areas, horticulture management, site development, farm pads, farm~~
~~field access roads, and agricultural drainage.~~

Commented [JN257]: Language from K.C.C. 21A.24.051.C. moved to this section.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and
under the State Environmental Policy Act, for the rule making under this section required
by this ordinance and each subsequent update to the public rule, the director of natural
resources and parks shall:

Commented [JN258]: Adds public rule process for farm management plans.

a. Request comment from Indian tribes no less than sixty days before the
adoption of the final rule;

b. Meet with and consider the comments of Indian tribes before adoption of the
final rule; and

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c. Provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the proposed rule, and a response with how the final rule addresses the comments.

Commented [JN259]: This is moved from 21A.24.051.D.

3. The public rule required as a result of this ordinance shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including, but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

~~((C.))~~ D. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ~~((the assistance shall be provided at little or no cost to landowners))~~ the cost of such assistance shall be minimal to the landowner. ~~((In addition, t))~~ The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ~~((and make available to the public,))~~ model farm management ~~((, forest management and rural stewardship))~~ plans illustrating examples of plan application content, drawings, and site plans, ~~((to assist landowners in their development of site specific plans for their property))~~ and make them available to the public.

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~~((D. The department of natural resources and parks ((is)) shall be the primary county agency responsible for ((rural stewardship plans and)) farm management plans~~

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that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out ~~((its))~~ the responsibilities under this chapter relating to ~~((rural stewardship plans and))~~ farm management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to ~~((rural stewardship plans and))~~ farm management plans.))

Commented [JN260]: This is moved up to subsection B for clarity.

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural stewardship and))~~ farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 4452. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. ~~((The director may approve exceptions to allow alterations to))~~ If application of this chapter denies all reasonable use or prohibits a development proposal, an applicant may apply for an exception in accordance with this section. Except in flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, an exception under this section may be allowed in critical areas, critical area buffers, and critical area setbacks ~~((, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration areas, not otherwise allowed by this chapter as follows:))~~

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1. ~~For linear alterations, ((E))~~ except as otherwise provided in subsection A.2. of this section ~~((, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only))~~ when)).

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Commented [JN261]: Modifications to provide introduction/purpose, streamline and clarify

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B. A request for an exception in the shoreline jurisdiction shall be processed as a shoreline variance under K.C.C. 21A.44.090.

Commented [JN262]: Moved up from subsection B.2. below. The requirement for a shoreline variance applies to all exceptions that are in this section, not just reasonable use exceptions. Change is intended to clarify current practice.

C. A public agency or utility may apply for a critical area alteration exception if application of this chapter denies a development proposal. A public agency or utility critical area alteration exception shall meet all of the following criteria ~~((are met))~~:

Commented [JN263]: Breaks out public agencies from private development.

~~((a.))~~ 1. ~~((1.))~~ There is no feasible alternative to the development proposal with less ~~((adverse))~~ impact on the critical area;

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~~((b.))~~ 2. ~~((2.))~~ The development proposal minimizes ~~((the adverse))~~ impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

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Commented [EA264]: Consistency edits.

~~((c.))~~ 3. ~~((3.))~~ The ~~((approval))~~ exception does not require the modification of a critical area development standard established by this chapter;

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~~((d.))~~ 4. ~~((4.))~~ The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

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~~((e. the))~~ 5. For linear alterations:

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~~((1.))~~ a. the alteration connects to or is ~~((an alteration to))~~ a public roadway, regional light rail transit line, public trail, ~~((a))~~ utility corridor or utility facility, railroad, hydroelectric generation facility, or other public infrastructure owned or operated by a public utility; or

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Commented [JN265]: These items moved from subsection C.1. below.

~~((2.))~~ b. the alteration is required to overcome limitations due to gravity;

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~~((2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~

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area buffers, and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and ~~((its)) associated buffer;~~ and

~~((3--F))~~ 6. For nonlinear alterations: ~~((except as otherwise provided in subsection A.3.h. of this section, the director may approve exceptions to allow alterations to critical areas except aquatic areas, wildlife habitat conservation areas, and wetlands, ((unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas,)) and may approve alteration((s)) exceptions to critical area buffers and critical area setbacks, when all of the following criteria are met)):~~

a. a regional light rail transit facility under RCW 36.70A.200 may be allowed in any critical area, critical area buffer, or critical area setback, except those identified in subsection A. of this section;

b. a public school in a category II, III, and IV wetland may be allowed; and

c. all other nonlinear alterations shall not be located in an aquatic area, wildlife habitat conservation area, wetland, or fish spawning area;

D. A property owner may apply for a private development critical area alteration exception if application of this chapter denies a development proposal in a steep slope hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat network, critical area buffer, or critical area setback. A private development critical area alteration exception shall meet all of the following criteria:

1. ~~((#))~~ There is no feasible alternative to the development proposal with less ~~((adverse))~~ impact on the critical area;

Commented [JN266]: Moved down to the nonlinear alteration section as Subsection 6.a.

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Commented [JN268]: This is moved down to subsection 6.c.

Commented [JN269]: Moved from other subsections in this section.

Commented [JN270]: This language is moved from subsection A.3. "the director may approve alterations to critical areas **except wetlands**, unless otherwise allowed under subsection A.3.h. of this section, **aquatic areas and wildlife habitat conservation areas**, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met."

Fish spawning area reflects requirements in A.3.g.

Commented [JN271]: This section now addresses private CAAE applications. Change to be stated in the positive (states which critical areas it can apply to, rather than listing what critical areas this can't apply to) for clarity.

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2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

~~3.~~ ~~The alteration is the minimum necessary to accommodate the development proposal;~~

~~4.~~ ~~The ((approval)) exception does not require the modification of a critical area development standard established by this chapter;~~

~~5.~~ ~~The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;~~

~~6.~~ ~~For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((building)) critical area setbacks, or other land alteration, including grading, utility installations,~~

~~((and maintained yard and landscaping)), but not including the area used for a driveway or for an on-site sewage disposal system ((When the site disturbance is within a critical area or associated buffer, the ((building)) critical area setback line shall be measured from the ((building footprint)) edge of the structure to the edge of the approved site disturbance;~~

~~f. to the maximum extent practical, access is designed and located to have the least adverse impact on the critical area and critical area buffer); and~~

~~7.~~ ~~The critical area is not ((used as)) a ~~potential~~ ((salmonid)) fish spawning ((area)) habitat; and~~

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Commented [JN274]: This is moved below to Subsection F.

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Commented [JN275]: This is replaced with subsection D.2.

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Commented [EA276]: Broadened from potential salmonid spawning habitat to fish spawning area

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2659 ~~h. the director may approve an alteration in a category II, III, and IV wetland~~
2660 ~~for development of a public school facility.~~

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2661 ~~D. The director may approve a reasonable use exception to allow alterations to~~
2662 ~~critical areas, critical area buffers, and critical area setbacks, except for flood hazard~~
2663 ~~areas.))~~

Commented [JN277]: Moved to the public agency/public utility CAAE section.

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2664 E. An applicant may apply for a reasonable use exception~~alluvial fan hazard~~
2665 ~~areas, and severe channel hazard migration hazard areas;~~ if the application of this chapter
2666 would deny all reasonable use of the property ~~((as follow))~~. A reasonable use exception
2667 shall meet all of the following:

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Commented [JN278]: This is moved Subsection A. of this section.

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2668 1. ~~((If the critical area, critical area buffer, or critical area setback is outside of~~
2669 ~~the shoreline jurisdiction, the applicant may apply for a reasonable use exception under~~
2670 ~~this subsection without first having applied for an alteration exception under this section~~
2671 ~~if the requested reasonable use exception includes relief from development standards for~~
2672 ~~which an alteration exception cannot be granted under this section. The director shall~~
2673 ~~determine that all ((of)) the following criteria are met:~~

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2674 ~~a. t))~~There is no other reasonable use with less ~~((adverse))~~ impact on the
2675 critical area;

Commented [JN279]: With the restructure into 3 paths for exceptions to the critical area requirements, this language would not provide clarity.

Commented [EA280]: Consistency edits.

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2676 2. The development proposal minimizes impacts on critical areas to the
2677 maximum extent practical and complies with avoidance and mitigation sequencing in
2678 K.C.C. 21A.24.125;

Commented [JN281]: Adds criteria on minimizing impacts.

2679 3. The alteration is the minimum necessary to allow for reasonable use of the
2680 property; and

Commented [JN282]: Moved from below.

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2681 ~~((b-))~~ 4. The development proposal does not pose an unreasonable threat to the
2682 public health, safety, or welfare on or off the development proposal site and is consistent
2683 with the general purposes of this chapter and the public interest;

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2684 ~~((e. any authorized alteration to the critical area or critical area buffer is the
2685 minimum necessary to allow for reasonable use of the property;))~~ and

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Commented [JN283]: Moved above to E.3.

2686 ~~((d-))~~ 5. ~~((f))~~ For dwelling units, no more than five thousand square feet or ten
2687 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~
2688 critical area setbacks, or other land alteration, including grading, utility installations, and
2689 maintained yard and landscaping, but not including the area used for a driveway or for an
2690 on-site sewage disposal system ~~((; and~~

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2691 2. ~~If the critical area, critical area buffer, or critical area setback is located
2692 within the shoreline jurisdiction, the request for a reasonable use exception shall be
2693 considered a request for a shoreline variance under K.C.C. 21A.44.090))~~.

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Commented [JN284]: Moved to subsection B.

2694 ~~((C-))~~ F. For the purpose of this section:

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2695 1. ~~((("Linear" alteration means infrastructure that supports development that is
2696 linear in nature and includes public and private roadways, public trails, private
2697 driveways, railroads, regional light rail transit, hydroelectric ~~((generating))~~ generation
2698 facilities, utility corridors, and utility facilities))~~ When a site disturbance is within a
2699 critical area or associated buffer, the critical area setback line shall be measured from the
2700 edge of a structure to the edge of the approved site disturbance; and

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Commented [JN285]: This list is folded into the linear alteration section above.

Commented [JN286]: Moved from above.

2701 2. ~~((For purposes of subsections A. and B. of this section, a))~~ Areas located
2702 ~~((within the shoreline jurisdiction that are))~~ below the ordinary high water mark shall not
2703 be included in calculating the site area.

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2704 ~~((D. ((Alteration e)) G. ((e))~~ Exceptions approved under this section shall meet
2705 the mitigation requirements of this chapter.

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2706 ~~((E.)) H. An ((applicant)) application for an ((alteration)) exception shall~~
2707 ~~((submit)) provide a critical area report ((as required by)) consistent with K.C.C.~~
2708 ~~21A.24.110.~~

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Commented [JN287]: Consistent terminology.

2709 ~~F.I. An exception shall not be approved if the inability of the applicant to derive~~
2710 ~~reasonable use of the property is the result of actions by the current or prior property~~
2711 ~~owner.~~

2712 SECTION 4553. Ordinance 10870, Section 456, as amended, and K.C.C.
2713 21A.24.090 are hereby amended to read as follows:

2714 ~~((If a development proposal site contains or is within a critical area, the applicant~~
2715 ~~shall submit an affidavit which declares whether)) An applicant for a development permit~~
2716 ~~for a development proposal or a critical area designation under K.C.C. 21A.24.500, as~~
2717 ~~recodified by this ordinance, shall provide the following:~~

Commented [JN288]: Streamlining of text.

2718 A. ~~A d~~Disclosure of critical areas on the development proposal site ~~or sites,~~
2719 including mapped or identifiable critical areas within ~~the distance equal to the largest~~
2720 ~~potential required critical area buffer applicable to the development proposal; and~~

Commented [JN289]: Streamlining of text.

2721 B. An affidavit indicating whether:

2722 ~~1. ((F)) the applicant has knowledge of any illegal alteration to ((any or all)) the~~
2723 ~~critical areas or associated buffers on the development proposal site ((or sites; and~~

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2724 ~~((B.)) 2. The applicant previously has been found in violation of this chapter for~~
2725 ~~any property in King County, in accordance with K.C.C. Title 23. If the applicant~~

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previously has been found in violation, the applicant ~~((shall))~~ must declare whether the violation has been corrected to the satisfaction of King County).

Commented [EA290]: Removes requirement for an applicant to report personal code violations

SECTION 4654. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

SECTION 4755. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows:

A. ~~((1.))~~ A property owner or ~~((the property owner's agent))~~ applicant may ~~((request))~~ apply for a critical area designation for a site consisting of part or all of a ~~((site))~~ parcel, ~~((without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department)).~~

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Commented [JN291]: Reverts back to allowing one critical area designation for a site. Fees are changed in Title 27 based on site size. Streamlining and consistency edits.

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21. ~~((If the request is for review of a portion of a site, t))~~ The application shall include a map identifying ~~((the portion))~~ all areas of the ~~((site))~~ parcel for which the designation is sought parcel. ~~The designation shall not apply to any areas of the parcel other than those identified in the application and approved by the department.~~

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Commented [JN293]: Streamlining of text.

~~((2. ((The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.))~~

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3. ~~If deemed necessary by the department, s~~Supporting critical area reports prepared in accordance consistent with K.C.C. 21A.24.110, may be required by the department.

Commented [JN294]: Streamlining of text.

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4. The review by the department shall evaluate, determine, and document the existence, location, and classification of the critical areas within the areas indicated on the application.

Commented [JN295]: Moved (with edits) to subsection B.

B. ((In preparing the critical area designation, the department shall perform a critical area review to:

1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;

2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;

3. Evaluate the critical area report, if required; and

4. Document the existence, location and classification of any critical area.

C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;

D.)) The department shall ((make the determination of)) issue a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one hundred twenty day period.

Commented [JN296]: Removed to avoid conflicts with permitting timelines in K.C.C. Title 20.

((If the determination applies to less than an entire site, t))The determination)) The department shall evaluate and determine the existence, location, and classification of any

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2769 critical areas within the area indicated on the application. ~~The designation~~ shall clearly
2770 identify the portion of the ~~((site))~~ parcel to which the determination applies.

2771 ~~((E.1.))~~ C. The written determination made under this section is final and
2772 effective for five years from the date of issuance as to the existence, location,
2773 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2774 ~~((a.))~~ 1. ~~((t))~~ There is a change in site conditions;

2775 ~~((b.))~~ 2. New or additional information becomes available that conflicts with or
2776 invalidates information that formed the basis of the department's determination,
2777 including, but not limited to, discovery of an unpermitted critical area alteration, or the
2778 adoption of revised methods for critical area classification; or

2779 3. A county, state, or federal agency adopts one of the following critical area
2780 maps that conflict with the department's ~~((written))~~ determination~~((t.))~~:

2781 a. Critical aquifer recharge areas;

2782 b. Wildlife habitat network;

2783 c. Channel migration zones;

2784 d. Flood hazard areas.

2785 ~~((2. As part of its review of a complete application for a permit or approval, the~~
2786 ~~department shall establish whether the written determination is still effective.~~

2787 ~~F. If the department designates critical areas on a site under this section, the~~
2788 ~~applicant for a development proposal on that site shall submit proof that a critical area~~
2789 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~
2790 ~~subsection, the department's determination under this section is final. If the department~~
2791 ~~relies on a critical area designation made under this section during its review of an~~

Commented [JN297]: This is moved from subsection B. above.

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Commented [EA298]: Adds the types of critical areas where a map would be adopted.

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2792 application for a permit or other approval of a development proposal and the permit or
2793 other approval is subject to an administrative appeal, any appeal of the designation shall
2794 be consolidated with and is subject to the same appeal process as the underlying
2795 development proposal. If the King County hearing examiner makes the county's final
2796 decision with regard to the permit or other approval type for the underlying development
2797 proposal, the hearing examiner's decision constitutes the county's final decision on the
2798 designation. If the King County council, acting as a quasi-judicial body, makes the
2799 county's final decision with regard to the permit or other approval type for the underlying
2800 development proposal, the King County council's decision constitutes the county's final
2801 decision on the designation.))

2802 SECTION 4856, Ordinance 10870, Section 457, as amended, and K.C.C.

2803 21A.24.100 are hereby amended to read as follows:

2804 A. ~~((Before any))~~ Prior to clearing, grading, or site preparation, ~~t))~~ The
2805 department shall perform a critical area review ~~((for any))~~ of development ~~((proposal))~~
2806 permit applications or other request ~~((for permission))~~ to alter a site to determine
2807 ~~((whether there is))~~:

2808 1. The existence, location, and classification of ~~((A))~~ critical areas and active
2809 breeding sites of protected species:

2810 a. on the ~~((development proposal))~~ site ~~((parcel))~~; and
2811 ~~((2. ((An active breeding site of a protected species on the development~~
2812 ~~proposal site; or~~

2813 3. ~~A critical area or active breeding site of a protected species that has been~~
2814 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~

Commented [JN299]: Streamlining of text.

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Commented [JN300]: Moves A.2. into A.1.

Commented [JN301]: Terminology consistency.

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from the boundaries of the site)) b. The existence, location, and classification of critical areas within three hundred feet of the site that can be identified by use of available data and methods, including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, and other critical area determinations for other permits, and available critical area reports;

Commented [JN302]: Clarifies that a critical area determination is not always tied to a permit

32. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and

43. Compliance with all other standards and regulations of this chapter.

B. As part of the critical area review, the department shall review ~~((the critical area reports and determine))~~ whether:

1. ~~((There has been an accurate identification of all critical areas))~~ Critical area designations or designations for the parcel are effective pursuant to under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

Commented [JN303]: streamlining

2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical area report or reports are required with the application under K.C.C. 21A.110;

Commented [EA304]: Streamlining

3. ~~((The development proposal is consistent with this chapter))~~ Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified within the application documents;

4. ~~((The sequence))~~ Proposed alterations prioritize comply with avoidance and minimization measures, followed by mitigation requirementsmitigation sequencing in

Commented [JN305]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas and critical area buffers)); ((and))~~

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5. ~~Proposed ((M))mitigation measures required to compensate for ((unavoidable adverse)) impacts to critical areas ((is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and~~

Commented [JN306]: Consistency edits and streamlining of text.

6. ~~Proposed alterations are~~ consistent with the goals, purposes, objectives, and requirements of this chapter.

C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a:

1. Flood hazard area;
2. Critical aquifer recharge area; or

3. Landslide hazard area, ~~alluvial fan hazard area, steep slope hazard area,~~ seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure.

Commented [JN307]: Change to match Executive's intent.

D. ~~The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an independent standalone decision under K.C.C. 20.20.020.~~

Commented [EA308]: Consistency edits.

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SECTION ~~4957~~. Ordinance 10870, Section 458, as amended, and K.C.C.

21A.24.110 are hereby amended to read as follows:

A. ~~((An ((applicant)) application for a development proposal that requires)) A critical area report may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit the scope of a critical area report ((at a level determined by the department)) if information is not needed to adequately evaluate the proposal and all probable impacts.~~

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Commented [JN309]: Reframes language to say that a report may be required with a critical area review or designation.

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Commented [JN310]: Clarifies that the department may modify or limit scope to information needed to evaluate the proposal.

B. ~~in accordance with the applicable critical area report criteria of this chapter. In addition to the requirements in this section, critical area reports shall also include ecological and geological report information in sections 58 and 59 of this ordinance based on the affected critical area:~~

1. Geological critical area report requirements under section 58 of this ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and associated buffers; and

2. Ecological critical area report requirements under section 59 of this ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, and associated buffers.

Commented [JN311]: Identifies what type of report is required for which critical area

B. ~~((The applicant may combine a e)) Critical area reports may be combined with ((any)) additional studies required by other laws and regulations.~~

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2883 C. If the development proposal will affect only a part of the development
2884 proposal site, the department may limit the scope of the required critical area report to
2885 include only that part of the site that is affected by the development proposal.

2886 D.1. Floodplain development that was not assessed through the King County
2887 Programmatic Habitat Assessment prepared for the National Flood Insurance program
2888 and the Endangered Species Act shall include an assessment of the impact of the
2889 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2890 a. ~~((A))~~a Biological Evaluation or Biological Assessment that has received
2891 concurrence from the United States Fish and Wildlife Service or the National Marine
2892 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2893 b. ~~((D))~~documentation that the activity fits within a Habitat Conservation Plan
2894 approved pursuant to Section 10 of the Endangered Species Act;

2895 c. ~~((D))~~documentation that the activity fits within Section 4(d) of the
2896 Endangered Species Act; or

2897 d. ~~((A))~~an assessment prepared in accordance with Regional Guidance for
2898 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

2899 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or~~
2900 ~~more))~~ of the following:

2901 (1) the primary constituent elements identified when a species is listed as
2902 threatened or endangered;

2903 (2) Essential Fish Habitat designated by the National Marine Fisheries
2904 Service;

2905 (3) fish and wildlife habitat conservation areas;

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- 2906 (4) vegetation communities and habitat structures;
- 2907 (5) water quality;
- 2908 (6) water quantity, including flood and low flow depths, volumes, and
- 2909 velocities;
- 2910 (7) the river or stream channel's natural planform pattern and migration
- 2911 process;
- 2912 (8) spawning substrate, if applicable; and
- 2913 (9) floodplain refugia, if applicable.

2914 ~~((2. The department ((must)) shall require ((a)) project, with adverse ((effects))~~
2915 ~~impacts on critical areas or associated buffers to ((comply with the impact)) prioritize~~
2916 ~~avoidance((,)) and minimization ((and)) measures, followed by mitigation requirements~~
2917 ~~of K.C.C. 21A.24.125 and 21A.24.130)).~~

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2918 NEW SECTION. SECTION 5058. There is hereby added to K.C.C. chapter

2919 21A.24 a new section to read as follows:

2920 A. ~~An applicant for a development proposal that requires geological critical area~~
2921 ~~review under K.C.C. 21A.24.100 shall submit a~~ geological critical area report shall
2922 ~~meet the requirements of this section at a level of detail determined by the department to~~
2923 ~~adequately evaluate the proposal and all probable impacts.~~

Commented [JN313]: This subsection A. is being modified to:
-Remove language and cross reference to when a geological critical area review occurs
-Provide more detail on information required in all critical area reports in K.C.C. 21A.24.110 to state it once
- Simplify/narrow the subsection to the contents of a geological report. .100, .110, and .500 cover other aspects of when a review occurs.

2924 B. The geological critical area report shall address all areas of the proposed

2925 development site and geologically hazardous areas within three hundred feet of the site or

2926 that have the potential to affect or be affected by the proposal.

2927 C. The geological critical area report shall be prepared, stamped, and signed by a

2928 geological professional. The geological assessment shall include a field investigation and

Commented [JN314]: Edits to provide additional detail.

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may include the use of historical aerial photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, as well as other methods approved by the department. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

D. The geological critical area report shall contain, at a minimum, the following information:

1. Basic information including:

a. the name and contact information of the applicant; the name, qualifications, and contact information for the primary author or authors of the report; and a description of the proposal; and

b. parcel number or numbers of the site;

2. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and above and below ground utilities ~~on the site~~;

b. the extent, quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient; ~~and~~

d. a description and location of the surface and subsurface hydrology, including, but not limited to, the location or evidence of any wetlands, aquatic areas,

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springs, seeps, or other surface expressions of groundwater. The director may require a hydrogeologic report to accompany the geotechnical assessment if impacts are anticipated;

e. identification and characterization of all critical areas and buffers and areas within the shoreline jurisdiction;

~~63.~~ A site plan that includes:

a. the existing topography with vertical contour intervals of five feet or less unless the underlying project permit requires a smaller interval, for the entire site and abutting public rights-of-way, private roads, or access easements;

b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site;

c. all identified geologically hazardous areas, buffers, and critical area setbacks;

d. exploration locations;

e. locations of proposed development and clearing limits, if known; ~~and~~

f. transects of any provided cross-sections;

g. drainage flow characteristics including pipes, drains, catch basins, drainage structures, culverts, underdrain pipes, and other structures;

~~24.~~ A evaluation description of the geological conditions of the soils and bedrock site that includes:

a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines;

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b. data regarding underlying geology, slope gradients, soil types, and subsurface information including boring or test pit logs describing soil stratification, and results of soil tests conducted.

~~bc. available geotechnical reports, well logs, or other data sources within the vicinity of the site~~ a description of the soils in accordance with the Natural Resource Conservation Service, indicating the potential for erosion;

d. review of the site history regarding landslides, erosion, and prior grading;

~~ce.~~ geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours;

~~df.~~ on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region;

~~eg.~~ engineering properties of the subsurface soils or bedrock or both ~~on-site and adjacent properties; and~~

~~fh.~~ identification of all existing fill areas;

i. the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction;

~~35.~~ A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property, including, but not limited to:

a. slope stability;

b. potential for liquefaction hazard;

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- c. debris runout, including from upslope on the site or from neighboring properties and on down slope properties from the site and proposed development;
- d. channel migration;
- e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization in conformance with K.C.C. 21A.25.170; ~~and~~
- ~~_____ f. additional information required by K.C.C. 21A.25.170, if applicable;~~
64. An evaluation of proposed development which includes:
- a. the location and description of proposed development activity;
- b. the method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the ~~King County~~ Surface Water Design Manual;
- c. the locations and methods for temporary and permanent erosion control;
- d. recommendations for temporary and permanent structure siting limitations, and foundation type and depth ~~including buffers and setbacks, in accordance with the development standards of geologically hazardous areas in this chapter;~~
- ~~_____ e. recommendations on minimum buffers and setbacks for the specific geological hazard;~~
- ~~_____ f. recommendations for grading procedures, fill placement and compaction criteria, handling contaminated soils and materials, temporary and permanent slope~~

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inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

g. an estimate of bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;

h. recommendations for engineering mitigation of hazards; and

i. recommendations for vegetation management to mitigate hazards;

7. A determination stating whether the proposed alterations minimize risks to people and development on and off the site in accordance with the development standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice;

8. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

79. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

810. Any other information determined by the department to be necessary to determine compliance with this chapter, including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, and or models for estimating how far landslide materials will travel.

E. The department shall require a project with adverse impacts to prioritize avoidance and minimization measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.

NEW SECTION. SECTION 5459. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Commented [JN315]: Moved from E, below with the following changes:

Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

Structured as a report requirement, rather than a project standard (which is also listed elsewhere in this code)

Commented [JN316]: Moved to subsection 4 above and modified.

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3042 A. ~~An applicant for a development proposal that requires ecological critical area~~
3043 ~~review under K.C.C. 21A.24.100 shall submit an~~ An ecological critical area report shall
3044 ~~meet the requirements of this section at a level of detail determined by the department to~~
3045 ~~adequately evaluate the proposal for all probable impacts.~~

3046 B. The ecological critical area report shall address all areas of the proposed
3047 development site and ecological critical areas within three hundred feet of the site or that
3048 have the potential to affect or be affected by the proposal. ~~Ecological critical areas~~
3049 ~~include wetlands and all fish and wildlife habitat conservation areas.~~

3050 C. The ecological critical area report shall be prepared and signed by an
3051 ecological professional.

3052 D. The ecological critical area report shall contain, at a minimum, the following
3053 information:

- 3054 1. ~~A w~~Wetland, aquatic area, and riparian area delineation ~~report~~ that includes:
- 3055 a. identification of wetlands and delineation of associated boundaries in
3056 accordance with the approved federal wetland delineation manual and applicable regional
3057 supplement as set forth in WAC 173-22-035, including completed data forms and data
3058 point locations ~~to demonstrate the presence or absence of wetland conditions;~~
- 3059 b. rating of wetlands in accordance with the Washington State Wetland Rating
3060 System for Western Washington Version 2.0, Washington state Department of Ecology
3061 publication number 23-06-009, published 2014 and updated 2023, including completed
3062 rating forms;
- 3063 c. identification of aquatic area locations, typing, and ordinary high water
3064 marks;

Commented [JN317]: This subsection A. is being modified to:

- Remove language and cross reference to when a ecological critical area review occurs
- Move level of detail information to all critical area reports in K.C.C. 21A.24.110 to state it once
- Simplify/narrow the subsection to the contents of a geological report. .100, .110, and .500 cover other aspects of when a review occurs that doesn't need to be included here

Commented [JN318]: The general critical area report requirements indicate what critical area requires which type of critical area reports. The language is removed here to avoid duplication.

Commented [JN319]: Streamlining of text.

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3065 d. identification of severe channel migration hazard areas and floodplains; and
3066 e. determination of applicable wetland buffers and riparian areas;
3067 2. A wildlife study and habitat assessment that identifies any known nests or
3068 breeding sites and potential habitat for any federal or state listed endangered, threatened,
3069 sensitive, or candidate species or King County species of local importance, and delineates
3070 any known wildlife habitat conservation areas and wildlife habitat networks;
3071 3. A description of existing on-site and adjacent site conditions that includes:
3072 a. existing development, including, but not limited to, structures, roads,
3073 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing
3074 development is not legally established;
3075 b. the extent and dominant species composition of existing vegetative cover;
3076 c. existing hydrologic characteristics of any wetland or aquatic areas, including
3077 sources of hydrology;
3078 d. functions and values of all critical areas ~~found~~present; and
3079 e. location, species, and diameter at breast height of trees three inches in
3080 diameter at breast height or larger within critical areas and associated buffers that are
3081 within the proposed clearing limits and within striking distance of the proposed
3082 development activity. The department may require tree locations to be surveyed;
3083 4. An evaluation of how avoidance and mitigation sequencing, consistent with
3084 K.C.C. 21A.24.125, was applied to the development proposal.
3085 45. If ~~unavoidable~~ impacts to critical areas or buffers are proposed, an ~~impact~~
3086 analysis that includes:

Commented [JN320]: Moves subsection 5.b. to its own subsection. Avoidance and mitigation sequencing should be done any time there's work in a CA consistent with state law, rather than only when impacts occur (as the language in 5. suggests "if unavoidable impacts to critical areas or buffers are proposed").

Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

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a. ~~demonstration that adverse impacts prioritized avoidance and minimization measures, followed by mitigation sequencing in K.C.C. 21A.24.125.~~

~~b.~~ calculation of square footage of direct permanent impacts to each critical area and buffer;

~~b.~~ calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

~~c.~~ calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021;

~~d.~~ description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

~~e.~~ an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the ~~King County~~ Surface Water Design Manual; and

~~f.~~ a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers;

~~56.~~ A mitigation plan that includes:

a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required;

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3109 b. description of on-site mitigation activities proposed and justification that
3110 impacts will be adequately offset to ensure no net loss of critical area functions and
3111 values, including use of the credit-debit method as applicable for wetland impacts in
3112 accordance with Washington state Department of Ecology's Calculating Credits and
3113 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,
3114 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;
3115 c. calculations of mitigation area required for permanent impacts or long-term
3116 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;
3117 d. calculation of restoration area required for temporary impacts where
3118 ecological functions are expected to be restored within one year;
3119 e. depiction of proposed mitigation and restoration areas and example of
3120 planting plan, including irrigation if applicable;
3121 f. plan for installation of wildlife lighting;
3122 g. depiction of wildlife-passable fencing and permanent critical area signs at
3123 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and
3124 h. ~~justification~~rationale for and description of any proposed off-site mitigation,
3125 including location, methods, quantities, and demonstration that ~~equivalent or greater~~equal
3126 ~~or better~~ ecological functions will be achieved;
3127 67. A monitoring plan that includes:
3128 a. a monitoring schedule of at least five years, unless otherwise directed by the
3129 department to address site-specific conditions such as inclination over twenty percent,
3130 excessively drained soils, or mitigation occurs in wetland;

Commented [JN321]: Consistency edits.

Commented [JN322]: Provides examples of when monitoring periods would be increased.

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3131 b. success criteria for mitigation activities to meet at the end of each
3132 monitoring year;
3133 c. monitoring methods sufficient to determine if success criteria are being met
3134 throughout the mitigation area;
3135 d. a maintenance plan to ensure success criteria are met; and
3136 e. a contingency plan if it is determined that mitigation fails to meet success
3137 criteria;

3138 ~~78.~~ A site plan depicting:

3139 a. ~~mapped locations of all on-site~~ critical areas on the site and ~~approximated~~
3140 ~~locations of all off-site critical areas~~ within three hundred feet of the site;

3141 b. ~~widths of all buffers applied in accordance with K.C.C. chapter~~
3142 ~~21A.24~~widths;

3143 c. critical area setback ~~lines applied in accordance with K.C.C. 21A.24.200~~;

3144 d. existing and proposed alterations, including, but not limited to, structures,
3145 impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and

3146 e. ~~all~~ property lines, setbacks, and easements; and

3147 ~~89.~~ Additional information determined by the department to be necessary to
3148 comply with this chapter.

3149 SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C.

3150 21A.24.125 are hereby amended to read as follows:

3151 ~~((A. An applicant for a development proposal or alteration, shall apply the~~
3152 ~~following sequential measures, which appear in order of priority,))~~ When an alteration to
3153 a critical area is proposed, the following avoidance and mitigation sequencing shall be

Commented [JN323]: Clarifies that all landscaping should be shown on a site plan, not only nonnative landscaping.

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3154 applied in the following order of priority to avoid and minimize impacts to critical areas
3155 and critical area buffers;

Commented [JN324]: Clarifying edits and streamlining of text.

3156 ~~((1-)) A. Avoiding the impact or hazard by not taking a certain action;~~

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3157 ~~((2-)) B. Minimizing the impact or hazard by:~~

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3158 ~~((a-)) 1. limiting the degree or magnitude of the action with appropriate
3159 technology; or~~

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3160 ~~((b-)) 2. taking affirmative steps to avoid or reduce impacts, such as project
3161 redesign, relocation, or timing;~~

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3162 ~~((3-)) C. Rectifying the impact ((to critical areas)) by repairing, rehabilitating, or
3163 restoring the affected critical area or its buffer;~~

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3164 ~~((4-)) D. Minimizing or eliminating the hazard by restoring or stabilizing the
3165 hazard area through engineered or other methods;~~

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3166 ~~((5-)) E. Reducing or eliminating the impact or hazard over time by preservation
3167 or maintenance operations during the life of the ((development proposal or)) alteration;~~

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3168 ~~((6-)) F. Compensating for the ((adverse)) impact by replacing or enhancing
3169 critical areas and their buffers or creating substitute critical areas and their buffers; and~~

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3170 ~~((7-)) G. Monitoring the impact, hazard, or success of required mitigation and
3171 taking ((remedial)) corrective action.~~

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3172 ~~((B. The specific mitigation requirements of this chapter for each critical area or
3173 requirements determined through the resource mitigation reserves program apply when~~

Commented [JN325]: Terminology update.

Commented [JN326]: Changes to better align with [WAC 197-11-768](#)

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3174 compensation for adverse impacts is required by the sequence in subsection A. of this

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3175 section-))

Commented [JN327]: Streamlining of text. This is addressed in K.C.C. 21A.24.130 and the sections for specific critical areas.

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SECTION ~~5261~~. Ordinance 10870, Section 460, as amended, and K.C.C.

21A.24.130 are hereby amended to read as follows:

A. ~~((If m))~~ Mitigation ~~((is))~~ required under this chapter ~~((to compensate for adverse impacts, ((unless otherwise provided, an applicant)) shall:~~

1. ~~((Mitigate adverse impacts to:~~

a. ~~critical areas and their buffers; and~~

b. ~~the development proposal as a result of the proposed alterations on or near the critical areas; and~~

2. ~~Monitor the performance of any required mitigation)) the mitigation shall be designed to:~~

1. ~~Only occur after avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;~~

2. ~~Achieve no net loss of critical area ecological functions for the entire scope of the development;~~

3. ~~Prevent risk from hazards posed by the critical area; and~~

24. ~~Not create adverse impacts on other critical area critical area functions.~~

B. ~~When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department shall require~~

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Commented [JN328]: Streamlining of text. Mitigation for impacts are specific to each critical area and can be found in those specific sections.

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Commented [JN329]: This section is streamlined to focus on what is required of mitigation once it is necessary.

Commented [JN330]: Ties back to .125

Commented [JN331]: Streamlining of text.

Commented [JN332]: This is moved to subsection A.

Commented [JN333]: Drafting correction.

Commented [JN334]: This alternative mitigation language is moved to K.C.C. 21A.24.133, which discusses off-site mitigation.

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3199 appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical
3200 area ecological functions as conditions of approval for mitigation measures, which may
3201 include conservation easements, financial guarantees, and performance monitoring;
3202 ~~C. ((The department shall not approve a development proposal until mitigation~~
3203 ~~and monitoring plans are ((in place.)) established ((to mitigate for alterations to critical~~
3204 ~~areas and buffers.)) Preferential consideration shall be given to measures that replace the~~
3205 ~~impacted functions directly and in the immediate vicinity of the impact)) and financial~~
3206 ~~guarantees have been posted in accordance with K.C.C. Title 27A.~~
3207 ~~((C.)) ((D. Whenever mitigation is required, an applicant shall submit a critical~~
3208 ~~area report ((that includes:~~
3209 ~~1. An analysis of potential impacts;~~
3210 ~~2. A mitigation plan that meets the specific mitigation requirements in this~~
3211 ~~chapter for each critical area impacted; and~~
3212 ~~3. A monitoring plan that includes:~~
3213 ~~a. a demonstration of compliance with this title;~~
3214 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~
3215 ~~impacts if:~~
3216 ~~(1) the department determines that failure of the mitigation would result in a~~
3217 ~~significant impact on the critical area or buffer; or~~
3218 ~~(2) the mitigation involves the creation of a wetland; and~~
3219 ~~e. a monitoring schedule that may extend throughout the impact of the activity~~
3220 ~~or, for hazard areas, for as long as the hazard exists.)) A critical area report and~~

Commented [JN335]: Language is moved to subsection D.

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Commented [JN336]: Drafting correction.

Commented [JN337]: This is moved to subsection B. and C.

Commented [JN338]: Financial guarantee language moved down to the subsection D.

Commented [JN339]: Removes duplication.

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mitigation and monitoring plan is required for any development proposal that includes mitigation.

Commented [JN340]: This language is streamlined. Specific requirements on the analysis, mitigation plan or monitoring requirements are in the critical area report requirement section.

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D.) in accordance with this chapter. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area functions as conditions of approval for mitigation measures, including, but not limited to, conservation easements, financial guarantees in accordance with K.C.C. Title 27A, and performance monitoring.

Commented [JN341]: Language is from subsection B. with edits.

Commented [JN342]: Language moved from above.

E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves ~~((the))~~ all applicable mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections during ~~((any))~~ the monitoring period.

Commented [JN343]: Technical edit.

~~((E.))~~ E. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan, ~~((and))~~ revised financial guarantees, ~~((requirements))~~ and an extension of the monitoring period by at least two years.

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Commented [JN344]: Removed for clarity.

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Commented [JN345]: Establishes a minimum extension period for the contingency plan.

SECTION ~~5362~~. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. ~~((To the maximum extent practical, ((an applicant shall mitigate)) and after application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat~~

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conservation area, or wildlife habitat network)) Mitigation shall be prioritized mitigated
on or contiguous to the development site. Preferential consideration shall be given to
measures that replace the impacted functions directly and in the immediate vicinity of the
impact.

B. The department may approve mitigation that is off-site ((the development
site)) if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal
site; ((and))

2. The off-site mitigation will achieve ((equivalent or greater)) equal or better
hydrological, water quality, and ((wetland or aquatic area)) habitat functions((-)); and

3. The off-site mitigation addresses limiting factors or identified critical needs
for critical area resource conservation based on watershed or comprehensive resource
management plans applicable to the area of impact.

B. ((When off-site mitigation is authorized, t))The department shall give priority
to locations within the same drainage subbasin as the development proposal site and that
meet the following:

1. Mitigation banking sites and resource mitigation reserves as authorized by
this chapter;

2. Private mitigation sites that are established in compliance with the
requirements of this chapter and approved by the department; ((and)) or

3. Public mitigation sites that have been ranked in a process ((that has been))
supported by ecological assessments, including wetland and aquatic areas established as
priorities for mitigation in King County ((basin plans or other)) watershed plans.

Commented [JN346]: Reframes this section to be about off-site mitigation. Mitigation sequencing is covered in 21A.24.125 as well as many other sections of code.

Removes specific types of critical areas to broaden it to all critical areas where mitigation can occur.

Commented [JN347]: Makes on-site mitigation a priority, rather than an outright requirement.

Commented [JN348]: Moved from K.C.C. 21A.24.130 (above)

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Commented [JN349]: Consistency edits.

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Commented [JN350]: Moved from K.C.C. 21A.24.130 (above)

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3267 C. The department ~~((may))~~ shall require ~~((documentation))~~ that the mitigation site
3268 ~~((has been))~~ be permanently preserved from future development or alteration that would
3269 be inconsistent with the functions of the mitigation. The applicant shall provide
3270 documentation ~~((may include, but is not limited to,))~~ such as a conservation easement or
3271 other agreement between the applicant and owner of the mitigation site. King County
3272 may enter into agreements or become a party to any easement or other agreement
3273 necessary to ensure that the site continues to exist in its mitigated condition.

3274 D. The department shall maintain a list of sites available for use for off-site
3275 mitigation projects.

3276 E.1. ~~((The department ((and the department of natural resources and parks have
3277 develop a program to allow the payment of a fee in lieu of providing mitigation on a
3278 development site.)) The department may approve mitigation through the King County
3279 mitigation reserve program. The program addresses:~~

3280 a. when the payment of a fee is allowed considering the availability of a site in
3281 geographic proximity with comparable hydrologic and biological functions and potential
3282 for future habitat fragmentation and degradation; and

3283 b. the use of the fees for mitigation on public or private sites that have been
3284 ~~((ranked according to ecological criteria through one or more programs that have
3285 included a public process))~~ selected using a watershed approach, in accordance with the
3286 approved in-lieu fee program instrument.

3287 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
3288 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an
3289 electronic copy with the clerk of the council, who shall retain the original and provide an

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electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:

- a. information on the amount and source of revenues received by the program;
- b. a description and rationale for projects selected for funding;
- c. an accounting of budgeted and actual expenditures made; and
- d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter

21A.24 a new section to read as follows:

A. ~~Revegetation~~ in critical areas and critical area buffers shall:

1. Meet the mitigation requirements under this chapter;
2. Provide equal or better ecological function compared to existing conditions;
3. Replicate the structure and function of the historic natural plant community,
except when restoring temporary impacts to a legally altered plant community;
4. Use only native or climate-adaptive plant species that are well suited to thrive
in the current and future site conditions;
5. Prioritize the selection of native vegetation, with the use of climate-adaptive
plants only when appropriate for site conditions; and
6. Include measures to restore soil and hydrologic functions when necessary.

B. The department shall consider site-specific conditions and may allow

modifications to planting plans for planting success.

Commented [EA353]: New section to specify what revegetation is required to include. Incorporates existing mitigation language.

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3312 C.1. The department of natural resources and parks shall adopt a public rule
3313 establishing a list of climate-adaptive plants after consultation with Indian tribes and the
3314 department of local services.

3315 2. In addition to the notification procedures required by K.C.C. chapter 2.98 and
3316 under the State Environmental Policy Act, for the initial rule making under this section
3317 and each subsequent update to the public rule, the director of natural resources and parks
3318 shall:

3319 a. request comment from Indian tribes no less than 60 days before the adoption
3320 of the final rule;

3321 b. meet with and consider the comments of Indian tribes before adoption of the
3322 final rule; and

3323 c. provide, as supplemental material to the final rule, a summary of comments
3324 received from Indian tribes on the list of climate-adaptive plants, and a response to each
3325 of the comments with how the final rule addresses the comments.

3326 3. The initial public rule shall be effective no later than December 31, 2026, and
3327 the public rule shall be evaluated and updated in conjunction with the Comprehensive
3328 Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues
3329 including but not limited to, substantive changes in state or local critical area regulations
3330 or substantive findings from critical area monitoring or adaptive management.

3331 SECTION 5464. Ordinance 10870, Section 464, as amended, and K.C.C.
3332 21A.24.170 are hereby amended to read as follows:

3333 A. Except as otherwise provided in subsection ((~~ef~~)) C. of this section, the owner
3334 of any property containing critical areas or buffers on which a development proposal is

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submitted or any property on which mitigation is established ~~((as a result of development))~~ shall file a notice on title ~~((approved by King County))~~ with the records and licensing services division. The notice on title shall be on a form approved by the department and inform the public of:

1. The presence of critical areas ~~((or))~~, buffers, or mitigation sites on the property;
2. The application of this chapter to the property; ~~((and))~~
3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and
4. The existence of approved wetland buffer or riparian area averaging or reductions on the property.

B. ~~((The applicant for a development proposal shall submit proof that the notice ((required by this section)) on title has been filed ((for public record)) shall be submitted before ((King County)) the department approves any development proposal for the property or ((;)) before recording in the case of subdivisions, short subdivisions, and binding site plans ((, at or before recording of the subdivision, short subdivision, or binding site plan)).~~

- C. The notice required under subsection A. of this section is not required if:
1. The property is a public right-of-way or the site of a permanent public facility;
 2. The development proposal does not require ~~((sensitive))~~ critical area review under K.C.C. 21A.24.100.C; or

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Commented [JN354]: Mitigation may not necessarily be a result of development.

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Commented [JN356]: Added to help notify future property owners of other allowances that may impact future property development

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Commented [JN357]: Streamlining/flow edits

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3357 3. The property only contains a critical aquifer recharge area or an erosion
3358 hazard area.

3359 D. Notices on title shall run with the land regardless of ownership, use, or land
3360 division. However, a property owner may apply to the county to have a notice on title
3361 removed or amended, under either of the following circumstances:

3362 1. The department, as part of a critical area review of a permit application or a
3363 critical area designation, determines the information contained in an existing notice on
3364 title is no longer accurate ~~because information about a critical area has changed~~, such as
3365 in its type or location; or

Commented [EA358]: Added because the notice on title can also come from a CAD, not a permit.

Commented [JN359]: Streamlining of text.

3366 2. ~~An ordinance adopted an updated~~An adopted critical areas map ~~was updated~~
3367 indicating a reclassification or declassification of one of the following critical areas on
3368 the subject property:

3369 a. critical aquifer recharge areas;

3370 b. wildlife habitat network;

3371 c. channel migration zones;

3372 d. flood hazard areas.

Commented [JN360]: Lists out which maps are updated by ordinance or public rule for clarity

3373 SECTION ~~5565~~. Ordinance 10870, Section 465, as amended, and K.C.C.
3374 21A.24.180 are hereby amended to read as follows:

3375 A. ~~((The applicant))~~ Critical area tracts ~~established under this section~~ protect with
3376 ~~the goal of and enhancing enhance~~ critical area functions and values, including, but not
3377 limited to, providing fish and wildlife habitat, and protecting the public from geologic
3378 hazards and increased stormwater runoff. ~~Development proposals for s~~Subdivisions,
3379 short subdivisions, or binding site plans shall establish ~~and identify~~ critical area tracts to

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delineate and protect ~~((those))~~ the following critical areas and associated buffers ~~((listed~~
~~((below in development proposals for subdivisions, short subdivisions or binding site~~
~~plans)) in subsection A.1. through 7. of this section, and shall record the tracts on all~~
~~documents of title of record for all affected lots))~~:

1. ~~((All))~~ Landslide hazard areas and buffers that are one acre or more in size;
2. ~~((All-s))~~ Steep slope hazard areas and buffers that are one acre or more in size;
3. ~~((All-w))~~ Wetlands and buffers; ~~((and))~~
4. ~~((All-a))~~ Aquatic areas ~~((and buffers))~~;
5. Riparian areas;
6. Alluvial fan hazard areas that are one acre or more in size; and
7. Wildlife habitat networks.

B. A critical area tract established under subsection A. of this section shall be
held either:

1. ~~((h))~~ Held in an undivided interest by each owner of a building lot within the
development with this ownership interest passing with the ownership of the lot~~((s))~~; or
2. ~~((shall be h))~~ Held by an incorporated homeowner's association or other
legal entity that ensures the ownership, maintenance, and protection of the tract.

C. ~~((The long term management goals for critical area tracts established under~~
~~subsection A. of this section are to protect and enhance critical area functions and values,~~
~~including, but not limited to, providing fish and wildlife habitat and protecting the public~~
~~from geologic hazards and increased stormwater runoff.))~~ The specific management
strategy for each tract shall be clearly defined before preliminary approval of the
subdivision or binding site plan.

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D. For an off-site ~~critical area~~ mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.

E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

~~((E-))~~ E. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate:

1. ~~((A1-f))~~ Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;

2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas;

3. Aquatic areas, riparian areas, and wetlands;

4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;

5. Critical area ~~((B))~~ buffers; and

6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

~~((F-))~~ G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

SECTION 5666. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows:

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3426 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures
3427 shall be set back a minimum distance of ~~((fifteen))~~ ten feet from the outside edges of all
3428 critical areas and critical area buffers; ~~((or from the edges of all critical areas ((, if no~~
3429 ~~buffers are required)))) where buffers are not required. ((When the))~~ If site disturbance
3430 is within a critical area or an associated buffer, the ~~((building))~~ critical area setback
3431 ~~((line))~~ shall be measured from the ~~((building footprint))~~ edge of the structure to the edge
3432 of the approved site disturbance. The following are allowed in the ~~((building))~~ critical
3433 area setback area:
3434 A. Landscaping;
3435 B. Uncovered decks less than eighteen inches above grade;
3436 C. Building overhangs if the overhangs do not extend more than eighteen inches
3437 into the setback area;
3438 D. Impervious ground surfaces, such as driveways and patios~~((, but the))~~;
3439 however, improvements are required to meet any special drainage provisions specified in
3440 public rules adopted for ~~((the various))~~ critical areas and the ~~King County~~ Surface Water
3441 Design Manual;
3442 E. Utility service connections as long as the excavation for installation avoids
3443 impacts to the critical area or associated buffer; and
3444 F. Minor encroachments if adequate protection of the buffer will be maintained.
3445 SECTION ~~58.67~~. Ordinance 11621, Section 75, as amended, and K.C.C.
3446 21A.24.275 are hereby amended to read as follows:

Commented [JN364]: Reduces the critical area setback to 10 feet from 15.

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Commented [JN365]: Drafting correction.

Commented [JN366]: Streamlining of text and consistency edits.

Commented [JN367]: Removes language from the transmittal limiting decks to 18 inches

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3447 The following development standards apply to development proposals and
3448 alterations on sites within channel migration zones that have been mapped and adopted
3449 by public rule:

3450 A. The development standards that apply to the ~~((aquatic area buffers))~~ riparian
3451 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ~~((zone))~~ hazard
3452 areas and the portion of the moderate channel migration ~~((zone))~~ hazard areas that is
3453 within the ~~((aquatic area buffer))~~ riparian areas. The more-restrictive standards apply
3454 where there is a conflict;

3455 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a
3456 severe channel migration hazard area; and

3457 C. The following standards apply to development proposals and alterations
3458 within the moderate channel migration hazard area:

3459 1. Maintenance, repair, or expansion of any use or structure is allowed if the
3460 existing structure's footprint is not expanded towards any source of channel migration
3461 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3462 2. New primary dwelling units, accessory dwelling units, or accessory living
3463 quarters, and required infrastructure, are allowed if:

3464 a. the structure is located on a ~~((separate))~~ legally established lot in existence
3465 on or before February 16, 1995;

3466 b. a feasible alternative location outside of the channel migration hazard area is
3467 not available on ~~((-))~~ the site; and

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3468 c. to the maximum extent practical, the structure and supporting infrastructure
3469 is located the farthest distance from any source of channel migration hazard, unless the
3470 applicant can demonstrate that an alternative location is:

3471 (1) the least subject to risk; or

3472 (2) within the outer third of the moderate channel migration hazard area as
3473 measured perpendicular to the channel;

3474 3. New accessory structures are allowed if:

3475 a. a feasible alternative location is not available on-site; and

3476 b. to the maximum extent practical, the structure is located the farthest distance
3477 from the migrating channel; and

3478 4. The subdivision of property is allowed within the portion of a moderate
3479 channel migration hazard area located outside ~~((an aquatic area buffer))~~ a riparian area if:

3480 a. All lots contain five-thousand square feet or more of ~~net buildable ((land))~~
3481 ~~area~~ outside of the moderate channel migration hazard area;

3482 b. Access to all lots does not cross the moderate channel migration hazard
3483 area; and

3484 c. All infrastructure is located outside the moderate channel migration hazard
3485 area except that an on-site septic system is allowed in the moderate channel migration
3486 hazard area if:

3487 (1) a feasible alternative location is not available on-site; and

3488 (2) to the maximum extent practical, the septic system is located the farthest
3489 distance from the migrating channel.

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Commented [JN369]: Terminology consistency edit

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SECTION ~~5968~~. Ordinance 10870, Section 475, as amended, and K.C.C.

21A.24.280 are hereby amended to read as follows:

Commented [JN370]: This section was moved from below. The move is not shown in track changes.

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area

~~((with a slope of forty percent or greater)) or associated buffer;~~

Commented [JN371]: Consistency between the landslide hazard area and steep slope hazard area sections

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B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ~~((prepared by a geotechnical engineer or geologist)))~~;

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2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ~~((is))~~ shall be fifty feet ~~((ft))~~;

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3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ~~((building))~~ critical area setback in K. C. C. 21A.24.200 to one-hundred feet; ~~and~~

4. For ~~development permits~~alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the ~~critical area~~landslide hazard area;

Commented [JN372]: Consistent terminology.

Commented [EA373]: Specifies the type of critical area.

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C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or associated buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; ~~((and))~~

E. Alterations ~~((in a landslide hazard area located on a slope less than forty percent are allowed if:~~

~~1. The proposed alteration will)) shall not decrease slope stability on contiguous properties; ((and~~

~~2.)) F. The risk of property damage or injury resulting from landsliding ((is)) shall be eliminated or minimized;~~

G. The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

H. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

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Commented [JN374]: This section is broadened generally so that all alterations in landslide hazard areas, regardless of slope, meet these requirements.

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Commented [JN375]: Adds factor of safety requirements for landslide hazard areas

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SECTION ~~6370~~. Ordinance 10870, Section 478, as amended, and K.C.C.

21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. ~~((Except as provided in subsection D. of this section, u))~~ Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the following alterations ~~((identified in K.C.C. 21A.24.045))~~ are allowed within a steep slope hazard area or associated buffer~~((;))~~:

1. Alterations identified in K.C.C. 21A.24.045;

2. Alterations to steep slopes with a vertical elevation change of up to twenty feet where no impact will result. The department may approve this exemption based on a review of and concurrence with a geological critical area report; and

3. Regrading of any slope that was created through previous legal grading activities. Any slope that remains forty percent or steeper after alterations are completed are subject to requirements for steep slope hazard areas.

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ~~((prepared by a ((geotechnical engineer or geologist)) geological professional. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a geological critical area report)).~~

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Commented [JN377]: This is moved from subsection D and streamlined.

Commented [JN378]: Consistency edit. The geological critical area report requirements identifies preparation by a professional.

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1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer;

b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1. of this section:

a. If a geological critical area report is not submitted to or required by the department, the minimum buffer shall be fifty feet; and

b. For ~~((building)) permits ((for)) alterations~~ associated with single detached dwelling units only, the department may waive the ~~((special study))~~ geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the geological

~~((critical area)) steep slope hazard area;~~

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; ~~((and))~~

D. ~~((All a)) Alterations ((are)) may be allowed in the following circumstances:~~

1. ~~Slopes ((which)) that are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on~~

Commented [JN379]: Consistency between the landslide hazard area and steep slope hazard area sections.

Commented [JN380]: Consistent terminology

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King County's review of and concurrence with a ~~((soils)) geological critical area~~ report prepared by a ~~((geologist or geotechnical engineer)) geological professional~~; and

2. The approved regrading of any slope ~~((which)) that~~ was created through previous legal grading activities. Any slope ~~((which)) that~~ remains forty percent or

steeper following site development shall be subject to all requirements for steep slopes

The risk of landsliding as a result of slope instability shall be considered to be minimized

where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static

conditions and 1.1 for seismic conditions. Except when a more detailed deformation

analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half

the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site

in the International Building Code and American Society of Civil Engineers 7 standard;

and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 6071. Ordinance 10870, Section 476, as amended, and K.C.C.

21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard areas are mapped:

A. The department may approve alterations ~~((to mapped seismic hazard areas))~~ only if:

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Commented [JN382]: This is moved to subsection A.

Commented [JN381]: Adds factor of safety requirements for steep slope hazard areas

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1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ~~((proposed))~~ development proposal site ~~((is not~~ ~~((located in))~~ does not meet the definition of a seismic hazard area; or

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2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. ~~((Mobile))~~ Manufactured homes;
2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and
3. One-story buildings with less than two-thousand-five hundred~~((s))~~ square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

Commented [JN386]: Updates terminology.

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NEW SECTION. SECTION 6472. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A buffer may be required from the edge of the alluvial fan hazard area. To eliminate or minimize the risk of property damage or injury resulting from inundation.

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3622 ~~sedimentation, or erosion caused in whole or part by the development, the department~~
3623 ~~shall determine the size of the buffer based upon a geological critical area report.~~

Commented [JN387]: Moved from subsection D.

3624 C. A geological critical area report is required for ~~development~~
3625 ~~proposals~~alterations that are on an alluvial fan or within fifty feet of an alluvial fan;

Commented [EA388]: Consistency edit

3626 DC. ~~Proposed a~~Alterations shall ~~minimize and not increase~~ the risk of inundation,
3627 sedimentation, channel migration, or erosion on adjacent properties;

Commented [EA389]: Consistency edit

3628 ~~D. The risk of property damage or injury on the subject property from inundation,~~
3629 ~~sedimentation, channel migration, or erosion as a result of a proposed alteration shall be~~
3630 ~~eliminated or minimized; and~~

Commented [JN390]: Moved to subsection B.

3631 E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3632 allowed alteration, removal of any vegetation from an alluvial fan hazard area or
3633 associated buffer is prohibited;

3634 F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope,
3635 and vegetation unless necessary for slope stabilization; and

Commented [JN391]: These regulations are duplicated from the landslide hazard area regulations.

3636 GE. The ~~proposed~~ alteration shall not increase the frequency or magnitude of
3637 sediment management activities or in-stream channel work that could impact fish habitat
3638 or passage.

3639 NEW SECTION. SECTION ~~6273~~. There is hereby added to K.C.C. chapter
3640 21A.24 a new section to read as follows:

3641 A. This section applies to development proposals on sites that are within tsunami
3642 hazard areas.

3643 B. New and substantially improved residential buildings within a tsunami hazard
3644 area shall be designed to provide protection from inundation and debris impact according

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to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent ~~practicable~~practical, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

SECTION 5775. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment (~~((prepared in accordance with this chapter))~~), the department shall classify coal mine hazard areas as follows:

Commented [JN392]: This section was moved from above and not shown in track changes here for clarity.

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A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by ~~((-))~~ overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

Commented [JN393]: Drafting correction

SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

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SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow section that 77, as recodified by this ordinance.

SECTION 6478. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, unless a designation is modified by notices of map amendment prepared according to K.C.C. 21A.24.312, in which case the notice of map amendment shall supersede the map.

Commented [JN394]: Streamlining of text.

SECTION 6579. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((s)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area ((that is or is not classified as a)) on the critical aquifer recharge area ((on the)) map adopted under K.C.C. 21A.24.311:

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((A-)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

((B-)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

((C-)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks

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to the property owner, ~~the property owner's representative~~ applicant, if applicable, and the
county assessor.

Commented [EA396]: Terminology consistency edit

SECTION ~~6680~~. Ordinance 15051, Section 174, as amended, and K.C.C.
21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that

King County has determined ~~(are)~~:

Commented [JN397]: Consistency edits with subsection B

1. ~~Are ((H))~~ highly susceptible to groundwater contamination and that are
located within a sole source aquifer or a wellhead protection area; or

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2. ~~Are ((I))~~ in an area where hydrogeologic mapping or a numerical flow
transport model in a Washington department of health approved wellhead protection plan
demonstrate that the area is within the one-year time of travel to a wellhead for a Group
A water system;

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B. Category II critical aquifer recharge areas include those mapped areas that
King County has determined:

1. Have a medium susceptibility to ground~~(())~~water contamination and are
located in a sole source aquifer or a wellhead protection area; or

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2. Are highly susceptible to groundwater contamination and are not located in a
sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that
King County has determined have low susceptibility to groundwater contamination and
are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~
Vashon-Maury Island.

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SECTION ~~6781~~. Ordinance 15051, Section 179, as amended, and K.C.C.

21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;
2. Sand and gravel, and hard rock mining unless:
 - a. the site has mineral zoning as of January 1, 2005; or
 - b. ~~((mining)) mineral extraction~~ is an ~~((permitted))~~ allowed use on the site and

the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. ~~((Mining of any type))~~ Mineral extraction below the upper surface of the saturated ground ~~((,))~~ water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
5. Hydrocarbon extraction;
6. Commercial wood treatment facilities on permeable surfaces;
7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70-105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17;

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- 3759 8. Above~~((-))~~ ground storage tanks for hazardous substances, as defined in
3760 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3761 containment areas and a spill protection plan;
- 3762 9. Golf courses;
- 3763 10. Cemeteries;
- 3764 11. Wrecking yards;
- 3765 12. Landfills for hazardous waste, municipal solid waste, or special waste, as
3766 defined in K.C.C. chapter 10.04; and
- 3767 13. On lots smaller than one acre, an on-site septic system, unless:
- 3768 a. the system is approved by the Washington state Department of Health and
3769 has been listed by the Washington ~~((S))~~ state Department of Health as meeting treatment
3770 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or
- 3771 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
3772 County determines that the systems required under subsection A.13.a. of this section will
3773 not function on the site.
- 3774 B. Except as otherwise provided in subsection H. of this section, the following
3775 new development proposals and alterations are not allowed on a site located in a category
3776 II critical aquifer recharge area:
- 3777 1. Mining of any type below the upper surface of the saturated ground ~~((-))~~ water
3778 that could be used for potable water supply;
- 3779 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3780 3. Hydrocarbon extraction;
- 3781 4. Commercial wood treatment facilities located on permeable surfaces;

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3782 5.a. Underground storage tanks with hazardous substances, as defined in chapter
3783 ~~70.105~~70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC
3784 and K.C.C. Title 17, ((#))except for a category II critical aquifer recharge area located
3785 over an aquifer underlying ((an island that is surrounded by saltwater, underground
3786 storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not
3787 meet the requirements of chapter 173-360 WAC and K.C.C. Title 17)) Vashon-Maury
3788 Island; and

Commented [JN399]: Corrects citation

3789 b. For a category II critical aquifer recharge area located over an aquifer
3790 underlying ((an island that is surrounded by saltwater)) Vashon-Maury Island,
3791 underground storage tanks, including underground storage tanks exempt from the
3792 requirements of chapter 173-360A WAC, with hazardous substances, as defined in
3793 chapter ((70.105)) 70A.300 RCW, that do not comply with the standards in chapter 173-
3794 360A WAC and K.C.C. Title 17;

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3795 6. Above~~((,-))~~ground storage tanks for hazardous substances, as defined in
3796 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary
3797 containment areas and a spill protection plan;

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3798 7. Wrecking yards;

3799 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
3800 defined in K.C.C. chapter 10.04; and

3801 9. On lots smaller than one acre, an on-site septic systems, unless:

3802 a. the system is approved by the Washington state Department of Health and
3803 has been listed by the Washington state Department of Health as meeting treatment
3804 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

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3805 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King
3806 County determines that the systems required under subsection B.9.a. of this section will
3807 not function on the site.

3808 C. Except as otherwise provided in subsection H. of this section, the following
3809 new development proposals and alterations are not allowed on a site located in a category
3810 III critical aquifer recharge area:

- 3811 1. Disposal of radioactive wastes, as defined in chapter ~~((43.200))~~ 70A.384
3812 RCW;
- 3813 2. Hydrocarbon extraction;
- 3814 3. Commercial wood treatment facilities located on permeable surfaces;
- 3815 4. Underground storage tanks, including tanks exempt from the requirements of
3816 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~
3817 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and
3818 K.C.C. Title 17;
- 3819 5. Above ground storage tanks for hazardous substances, as defined in chapter
3820 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment
3821 areas and a spill protection plan;
- 3822 6. Wrecking yards; and
- 3823 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3824 defined in K.C.C. chapter 10.04.

3825 D. The following standards apply to development proposals and alterations that
3826 are substantial improvements on a site located in a critical aquifer recharge area:

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3827 1. The owner of an underground storage tank, including a tank that is exempt
3828 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer
3829 recharge area or a category II critical aquifer recharge area located over an aquifer
3830 underlying Vashon-Maury Island shall either bring the tank into compliance with the
3831 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or
3832 remove the tank; and

3833 2. The owner of an underground storage tank in a category II critical aquifer
3834 recharge area not located on located over an aquifer underlying Vashon-Maury Island
3835 shall bring the tank into compliance with the standards of chapter 173-360A WAC and
3836 K.C.C. Title 17 or shall properly decommission or remove the tank.

3837 E. In any critical aquifer recharge area, the property owner shall properly
3838 decommission an abandoned well.

3839 F. On a site located in a critical aquifer recharge area within ~~((#))Urban~~
3840 ~~((#))Growth ((#))Area~~, a development proposal for new residential development,
3841 including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall
3842 incorporate best management practices included in the ~~((King County))~~ Surface Water
3843 Design Manual into the site design in order to infiltrate stormwater runoff to the
3844 maximum extent practical.

3845 G. For critical aquifer recharge areas on Vashon-Maury Island:

3846 1. No new groundwater wells are ~~((permitted))~~ allowed within a coastal high
3847 hazard area. A rainwater catchment system may be used as an alternative water supply
3848 source for a single ~~((family))~~ detached residence if the requirements of ~~((K.C.C.))~~ King
3849 County Board of Health Code BOH 13.04.070 are met;

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Commented [JN403]: Consistent terminology

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2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3.a. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health.

b. The owner shall report the results of the test to ~~((Seattle King County department of))~~ public health – Seattle & King County and to the department of natural resources and parks.

c. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ~~((Seattle King County department of))~~ public health – Seattle & King County, shall recommend appropriate measures.

d. The owner shall implement all recommended measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause an ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks

Commented [JN405]: Codifies existing practice that requires owners to implement recommendations made by DNRP and public health

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3873 has been submitted to and approved by the Washington state ~~((d))~~Department of
3874 ~~((e))~~Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~
3875 ~~530))~~ 173-360A-0130.

Commented [JN406]: Corrects citation

3876 SECTION 6882. Ordinance 15051, Section 183, as amended, and K.C.C.
3877 21A.24.318 are hereby amended to read as follows:

3878 A. Identification of wetlands and delineation of their boundaries shall be done in
3879 accordance with the approved federal wetland delineation manual and applicable regional
3880 supplement as set forth in WAC 173-22-035.

3881 B. Wetlands shall be rated into category I, category II, category III₁ and category
3882 IV based on the adopted Washington State Wetland Rating System for Western
3883 Washington, Washington state Department of Ecology publication number ~~((14-06-029))~~
3884 23-06-009, published October 2014 and updated July 2023.

3885 C. Wetland rating categories shall not recognize illegal modifications.

3886 SECTION 6983. Ordinance 15051, Section 185, as amended, and K.C.C.
3887 21A.24.325 are hereby amended to read as follows:

3888 A. Except as otherwise provided in this section, buffers shall be provided from
3889 the wetland edge as follows:

3890 1. The buffers shown on the following table apply unless modified in
3891 accordance with subsections B., C., D.₁ and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT

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Category I			
Wetlands of High Conservation Value	((250)) 300 feet	((190)) <u>225</u> feet	((125)) <u>150</u> feet
Bog	((250)) 300 feet	((190)) <u>225</u> feet	((125)) <u>150</u> feet
Estuarine	((200)) 300 feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Coastal Lagoon	((200)) 300 feet	((150)) <u>225</u> feet	((100)) <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate	150 feet	110 feet	75 feet

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level of function)			
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((50)) 60 feet	((40)) 45 feet	((25)) 35 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;

(2) commercial, institutional, or industrial use on a site regardless of the zoning classification;

(3) nonresidential use on a site zoned ~~((for residential use))~~ RA, UR, or R, such as telecommunication towers and associated equipment;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ~~((ball))~~ sports fields, and similar use;

Commented [JN407]: Identifies what zones are considered residential use

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Commented [JN408]: Uses defined terminology

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3903 (5) all sites within the ~~((U))urban ((G))rowth ((A))rea~~ except recreational
3904 uses in subsection A.2.b.(6) and A.2.c.(2) of this section; ((or))
3905 (6) Residential zoning greater than one dwelling unit per acre;
3906 (7) railroads; or
3907 (8) federal and state highways, including on-on-ramps and exits, state routes,
3908 and other roads associated with high impact land uses;
3909 b. Moderate impact includes:
3910 (1) residential uses on sites zoned residential one dwelling unit per acre or
3911 less;
3912 (2) residential use on a site zoned ~~((rural area, agriculture, or forestry)) RA,~~
3913 A, or F;
3914 (3) agricultural uses without an approved farm management plan;
3915 (4) forest service roads and roads associated with moderate impact land uses;
3916 (5) utility corridors or right-of-way shared by several utilities, including
3917 maintenance roads; or
3918 ~~((5)))~~ (6) moderate-intensity active recreation or open space use, such as
3919 paved trails, parks with biking, jogging, and similar use; and
3920 c. Low impact includes:
3921 (1) forestry uses on a site regardless of zoning classification;
3922 (2) passive recreation uses, such as unpaved trails, nature viewing areas,
3923 fishing and camping areas, and other similar uses that do not require permanent
3924 structures ~~((s))~~ on a site regardless of zoning;

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(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045 ~~((D.53, and K.C.C.~~

~~21A.24.045.D.54.))~~; or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. ~~((The department may approve a modification of the minimum))~~ Wetland buffer width ~~((required by this section by averaging the buffer width))~~ averaging may be allowed if an ecological critical area report demonstrates:

1. ~~a. ((The department determines that:~~
~~a. the b.))~~ Buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a ~~(("))~~ dual-rated ~~(("))~~ wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; ~~((and~~
~~2. The resulting buffer meets the following standards:~~
~~a.)) 2. ((#))~~ The total area of the buffer after averaging is ~~((equivalent))~~ equal to or greater than the area of the buffer before averaging;

~~((b.)) 3. ((#))~~ The additional buffer is contiguous with the standard buffer;
~~((c.)) 4. ((#))~~ The buffer at its narrowest point is ~~((never))~~ no less than ~~((either))~~ seventy-five percent of the required width ~~((or seventy five feet for Category I and II, fifty feet for Category III, and twenty five feet for Category IV, whichever is greater))~~;

~~((d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ((from a qualified wetland~~

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Commented [JN411]: This is broadened to the entirety of K.C.C. 21A.24.045 so all relevant conditions would apply.
The alteration table identifies agricultural activities, which provides a list of alterations that fall under this category.

Commented [JN412]: Changes made to streamline language. Critical area report requirements moved from some of the criteria in this list to the beginning.

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professional; and)) 5. No net loss of wetland functions and values shall occur as a result of buffer averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

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Commented [JN414]: Changed consistent with other changes from degradation to no net loss.

((e-)) 6. ((t))The buffer is increased adjacent to the higher functioning ((area of)) habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((as demonstrated by a critical area report from a qualified wetland professional));

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7. ~~buffer~~ Buffer averaging cannot be is not combined with other buffer reductions or modifications allowed in this title; and

Commented [JN415]: Grammar change to match the list

Commented [JN416]: Readability edit

8g. ~~Indirect impacts are assessed and mitigated.~~

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.((6))5. of this section ((and)) or the buffer averaging rules in subsection B. of this section((5)).

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((buffer)) width ((is)) shall be the greater of:

a. the wetland buffer width ((required by the wetland's category in this section)); or

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Commented [JN417]: Streamlining of text and consistency edits.

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b. ~~the wetland buffer width required by the wetland's category in this section,~~
extended upslope towards the top of the landslide or steep slope hazard area, as measured
perpendicular to topographic contours, up to a maximum total width of twice the wetland
buffer width otherwise required;

Commented [JN418]: Streamlining of text and consistency edits.

3. For a wetland complex ~~((located outside the ((U)urban ((G))growth
((A))area established by the King County Comprehensive Plan or located within the
((U))urban ((G))growth ((A))area in a basin designated as "high" on the Basin and
Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051)), the
buffer widths ((is determined)) are as follows:~~

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a. ~~((§))The buffer width for each individual wetland ((in the complex is the
same width as the buffer width required for the category of wetland)) shall be consistent
with subsection A. of this section;~~

Commented [JN419]: Change to protect all wetland complexes

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b. ~~((§))If the buffer of a wetland within the complex does not touch or overlap
with at least one other wetland buffer in the complex, a corridor is required from the
buffer of that wetland to one other wetland buffer in the complex considering the
following factors:~~

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(1) the corridor is designed to support maintaining viable wildlife species that
are commonly recognized to exclusively or partially use wetlands and wetland buffers
during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower
category wetlands; and

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(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

Commented [JN421]: Technical correction
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(5) shorter corridors are preferred over longer corridors;

c. ~~((w))~~ Wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

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d. ~~((f))~~ The department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

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e. ~~((f))~~ The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements ~~((as wetland buffers as long as))~~ if the alteration is designed so as not to disrupt wildlife movement through the corridor;

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4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the ~~((minimum))~~ required buffer width to the edge of the roadway if:

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a. the part of the buffer on the other side of the roadway sought to be reduced:

~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development or the))~~ wetland functions and values from the proposed developmental alteration; and

Commented [JN423]: Clarifying edits.

~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and

b. the applicant provides a written evaluation that includes:

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4015 (1) a description of the vegetative composition, hydrologic regime,
4016 topography, and development on both sides of the roadway;

4017 (2) an assessment of the functions that the buffer provides on the other side of
4018 the roadway for wildlife habitat, water quality, and water quantity; and

4019 (3) an analysis of how the roadway ~~will fully disconnects~~ the buffer from
4020 providing the assessed functions, and whether the disconnection ~~will~~ affects the entirety
4021 of the buffer; and

Commented [JN424]: Changes to present tense, as this section addresses existing roadways

4022 5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~
4023 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~
4024 ~~exceed the standard for a low impact land use, unless the department determines that a~~
4025 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

4026 6. ~~The buffer widths required for proposed land uses with))~~ ~~For proposed~~
4027 ~~dwelling units~~ ~~For developments with residential uses, mixed-use, daycares, and social~~
4028 ~~services within the #Urban #Growth #Area that have~~ ~~are categorized as~~ high intensity
4029 impacts to wetlands, the buffer widths can be reduced to those required for moderate

Commented [JN425]: Revised to include additional uses in the UGA

4030 ~~((intensity))~~ impacts ~~((under the following conditions))~~ if:

Commented [JN426]: Consistent terminology

4031 a. ~~all the following measures to minimize impacts of the proposed land uses~~
4032 ~~are applied:~~

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4033 (1) ~~plant an area of revegetate with~~ dense, native vegetation or climate-smart
4034 ~~adaptive plants along the edge of within the remaining~~ buffer and in any other portion of
4035 the buffer wherever existing vegetation is sparse ~~that is equal to or greater than the area~~
4036 ~~by which the buffer was reduced;~~

Commented [JN427]: Requires entire buffer to be revegetated when the buffer is averaged and existing vegetation is sparse.

4037 (2) install wildlife lighting and direct all light away from the wetland;

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(3) locate noise-generating activities away from the wetland;

Commented [EA428]: Adds requirement that any noise-generating activities are located away from the wetland.

(34) install wildlife passable fencing at the edge of the wetland buffer;

(45) attach critical area signs to wildlife- passable fencing every fifty to

seventy-five linear feet, as determined by the department, so that a sign is visible from

any point along the edge of the critical area or buffer;

Commented [EA429]: Clarifies where signs must be placed.

(56) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

(67) demonstrate how each of the following meets the core requirements in the King County Surface Water Design Manual, including:

(a) stormwater runoff;

(b) change in water regime; and

(c) erosion and dust control; and

b. ((F))for wetlands that score moderate or high for habitat functions((, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:

((1) A))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list))

a legally-protected, relatively undisturbed and vegetated area. The corridor ((must)) shall be protected for the entire distance ((between the wetland and the ((priority habitat))

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legally-protected vegetated area and ((legally)) recorded via a conservation easement; and

((2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and

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b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:

~~c. the proposed project does not impact the reduced buffer.~~

Commented [JN430]: Drafting correction.

((Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in	Infiltrate or treat, detain and disperse into buffer new runoff from

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water regime	impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.))

c. ~~the proposed project~~ **development proposal** does not impact the ~~reduced~~ **buffer.**

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.

SECTION 7084. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or ~~((their))~~ **associated** buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. ~~((The a))~~ **Applicant** ~~Applicants~~ may include **climate-smart adaptive** plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound

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Commented [JN431]: Consistency edit to reflect terminology change.

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4082 ~~((lowland)) region~~ into any wetland or wetland buffer unless authorized by a state or
4083 federal permit or approval; and

Commented [JN432]: Changes made to reflect the edits related to "climate-smart plants" elsewhere.

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4084 C. ~~((A category IV wetland less than two thousand five hundred square feet that
4085 is not part of a wetland complex may be altered in accordance with an approved
4086 mitigation plan by relocating the wetland into a new wetland, with equivalent or greater
4087 functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based
4088 on the type of mitigation measures proposed; and~~

4089 ~~D.))~~ Alterations to category I wetlands containing bogs or fens are limited to
4090 K.C.C. 21A.24.045, D.20. and D. ~~((52))51~~.

Commented [JN433]: 52 was moved into 51.

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4091 SECTION 7485. Ordinance 10870, Section 481, as amended, and K.C.C.
4092 21A.24.340 are hereby amended to read as follows:

4093 In addition to the requirements in ~~((K.C.C. 21A.24.125 and 21A.24.130))~~ this
4094 chapter, the following applies to wetland and wetland buffer mitigation ~~((to compensate
4095 for ((the)) adverse impacts ((associated with an alteration)) to a wetland or wetland
4096 buffer))~~:

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Commented [JN434]: Streamlining language

4097 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or
4098 better wetland functions and values, including, but not limited to:

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Commented [JN435]: Consistency edits.

4099 1. Habitat functions such as complexity, connectivity, and other biological and
4100 ecological functions; and

Commented [JN436]: Adding wetland values as part of improving mitigation

Commented [JN437]: Edit to match the riparian area section

4101 2. Hydrological functions, such as ~~((S))~~seasonal hydrological dynamics, as
4102 provided in the ~~((King County))~~ Surface Water Design Manual;

Commented [JN438]: Consistency with K.C.C. Title 9

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4103 B. For permanent impacts to a wetland or wetland buffer, ((T))the following
4104 ratios of ~~((area of))~~ mitigation area to ~~((area of ((alteration)))~~ impact areas apply ~~((to~~

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mitigation measures for permanent alterations)) except as otherwise provided in subsection E. of this section:

Commented [JN439]: This is not necessary to state. Subsection E. includes language specific to the use of off-site credits

1. For ((alterations)) impacts to a wetland buffer, a ratio of ((one to one; and)) one to one1:1 on-site, and two to one2:1 off-site;

2. For ((alterations)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

Category	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and ((2))4:1 E	8:1
Category II estuarine	Case by case	((4))6:1 rehabilitation of an estuarine wetland	Case by case	Case-by-case
All other Category II	3:1	((8))6:1	1:1 R/C and ((4))8:1 E	12:1

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Category I forested	6:1	12:1	1:1 R/C and ((10))16:1 E	Case-by-case	Formatted: Strikethrough
All other Category I	4:1	8:1	1:1 R/C and ((6))12:1 E	Case-by-case	Formatted: Strikethrough
Category I wetlands of high conservation value	Not allowed	((6:1 rehabilitation of a wetland of high conservation value)) Case by- ease	((Case by case)) Not allowed	Case-by-case	Formatted: Strikethrough
Category I coastal lagoon	Not allowed	((6))8:1 rehabilitation of a coastal lagoon	((Case by case)) Not allowed	Case-by-case	Formatted: Strikethrough
Category I bog	Not allowed	((6:1 rehabilitation of a bog)) Case by- ease	((Case by case)) Not allowed	Case-by-case	Formatted: Strikethrough
Category I estuarine	Case-by-case	((6))8:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by- ease))	Formatted: Strikethrough

Category I and	Wetland	Wetland	1:1 Wetland	Wetland	Commented [JN441]: Re-structures the table to follow other wetland tables (Category I at the top)
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<u>type of wetland</u>	<u>reestablishment or creation</u>	<u>rehabilitation</u>	<u>reestablishment or creation (R/C) and wetland enhancement (E)</u>	<u>enhancement only</u>
<u>Category I wetlands of high conservation value</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I estuarine</u>	<u>Case-by-case</u>	<u>8:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I coastal lagoon</u>	<u>Not allowed</u>	<u>8:1</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 20:1 E</u>	<u>Case-by-case</u>
<u>All other Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 12:1 E</u>	<u>Case-by-case</u>
<u>Category II estuarine</u>	<u>Case-by-case</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>

Commented [JN442]: Updated to reflect Ecology guidance

Redline provided for illustrative purposes only

Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
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3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to area of impact required by subsection B.2. of this section.

C. The following ratios ((of area)) of mitigation area to ((area of ((alteration))) impact area apply to ((mitigation measures for)) temporary ((alterations)) impacts where wetland((s will)) functions are expected to take longer than one year to be restored. | Temporary impacts do not ((be impacted by)) include permanent fill material((s)) or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023; but where impacted functions are expected to take longer than one year to be restored; except as otherwise provided in subsection E. of this section;

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Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Reestablishment or creation ((or restoration))	Enhancement	Rehabilitation	Reestablishment or creation ((or restoration))
Category	((6)) 8:1	((4.5)) 6:1	3:1	((3)) 4:1	2:1	1.5:1

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y I						
Categor	((3)) <u>6</u> :1	((2)) <u>3</u> :1	1.5:1	((1.5)) <u>3</u> :1	1.5:1	.75:1
y II						
Categor	((2)) <u>4</u> :1	((1.5)) <u>2</u> :1	1:1	((+)) <u>2</u> :1	((-.75)) <u>1</u> :1	.5:1
y III						
Categor	((1.5)) <u>3</u> :1	1.5:1	.75:1	((Not applicable)) <u>1.5</u> :1	((Not applicable)) <u>.75</u> :1	((Not applicable)) <u>.25</u> :1
y IV						

D. The department may increase the mitigation ratios provided in subsections B.

and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ~~((or))~~

4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the ~~proposed~~ impacts;

5. The proposed mitigation site differs from the ~~proposed impact~~ ~~are a development proposal site~~ in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;

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6. The ~~proposed impact development proposal~~ site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or

7. The alteration causing the impact was ~~((an))~~ unauthorized ~~((impact))~~.

E. ~~((The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances))~~ When the use of wetland mitigation bank or in lieu fee program credits is may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. ~~Instead of mitigation ratios in subsection B. or C. of this subsection, wetland mitigation bank or in lieu fee program~~ mitigation ratios are as follows:

1. ~~((The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

2. ~~The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~

3. ~~The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

4. ~~In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

Commented [JN451]: Consistent terminology

Commented [JN452]: Adds language here specific to off-site mitigation and deletes it from subsection B. and C.

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a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;

b. the category of the area with a different class is lower than that of the entire wetland; and

c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.)) For use of wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required for impacts located in the bank service area shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a, with a minimum ratio of one bank credit to one wetland impact acre ratio of 1:1 shall be used;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts to wetlands located in the in lieu fee service area, the amount of compensatory mitigation required shall be

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4180 consistent with the in lieu fee program instrument and result in no net loss of wetland
4181 functions and values; and

4182 b. For impacts to wetland buffers, the ratio shall be one to one 1:1; and

4183 3. Compensatory mitigation for other approved off-site mitigation options shall
4184 be consistent with ratios in subsections B., C., and D. of this section.

4185 F. For temporary ~~((alterations))~~ impacts to a wetland or its buffer that are
4186 predominately woody vegetation, the department may require mitigation in addition to
4187 restoration of the ~~((altered))~~ wetland or wetland buffer; and

4188 G. Mitigation of ~~((an alteration))~~ impacts to a buffer of a wetland buffers ~~((that~~
4189 ~~occurs along an aquatic area))~~ in a lake shoreline ~~((in accordance with an allowed~~
4190 ~~alteration under this chapter))~~ shall include, but is not limited to, on-site revegetation,
4191 maintenance, and other restoration of the buffer or setback area to the maximum extent
4192 practical.

4193 SECTION 7286. Ordinance 15051, Section 192, as amended, and K.C.C.
4194 21A.24.355 are hereby amended to read as follows:

4195 A. Aquatic areas are ~~((categorized or))~~ typed ~~((as follows))~~ using the water
4196 typing system in WAC 222-16-030 and the following criteria:

4197 1. Type S ~~((waters include))~~ means all aquatic areas, within their bankfull width,
4198 inventoried as ~~((S))~~ shorelines of the state ~~((S))~~ under King County's ~~((S))~~ shoreline
4199 ~~((M))~~ master ~~((P))~~ program ~~((, K.C.C. chapter 21A.25, in accordance with chapter 90.58~~
4200 ~~RCW))~~ including periodically inundated areas of their associated wetlands;

4201 2. Type F ~~((waters include all))~~ means segments of aquatic areas ~~((that are not))~~
4202 other than type S ~~((waters))~~, which are within the bankfull widths of defined channels and

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periodically inundated areas of their associated wetlands, or within lakes, ponds, or
impoundments having a surface area of one-half acre or greater at seasonal low water and
that contain fish or fish habitat ~~((including))~~ or are described by one of the following
categories:

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a. ~~waters diverted for domestic use by more than ten residential or camping
units or by a public accommodation facility licensed to serve more than ten persons,
where such diversion is determined by the department to be a valid appropriation of water
and the only practical water source for such users. Such waters shall be considered to be
Type F upstream from the point of such diversion for one-thousand-five-hundred feet or
until the drainage area is reduced by fifty percent, whichever is less;~~

Commented [JN458]: Edits to this section to match WAC 222-16-030.

b. ~~waters diverted for use by a federal, state, ~~((or))~~ tribal, or private fish
hatchery from the point of diversion for one ~~((-))~~ thousand ~~((-))~~ five ~~((-))~~ hundred feet or
the entire tributary if the tributary is highly significant for protection of downstream
water quality ~~((;))~~~~

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c. ~~waters within a federal, state, local, or private campground having more than
ten camping units. Water is considered to enter a campground when it reaches the
boundary of the park lands available for public use and comes within one-hundred feet
from a camping unit, trail, or other park improvement; or~~

d. ~~riverine ponds, wall-based channels, and other channel features that are used
by fish for off-channel habitat. These habitats are identified by their connection to a fish
habitat stream and accessible during some period of the year and accessible to fish.~~

~~Type F waters, which may be ephemeral, may be classified by:~~

Commented [JN459]: moved down to sub B.2.

~~a. the presence of fish;~~

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4226 ~~b. a stream segment with a defined channel of two feet or greater bank full~~
4227 ~~width and a gradient less than twenty percent; or~~

4228 ~~c. any stream located within the floodplain of type S or F water.~~

4229 3. Type N ~~((waters include))~~ means all segments of aquatic areas that are not
4230 type S or F ~~((waters))~~ and that are physically connected to type S or F ~~((waters))~~ by ~~((an~~
4231 ~~above-ground))~~ a channel ~~or piped~~ system, stream, or wetland; and

4232 4. Type O ~~((waters include))~~ means all segments of aquatic areas that are not
4233 type S, F₁ or N ~~((waters))~~ and that are not physically connected to type S, F₁ or N
4234 ~~((waters))~~ by a ~~((n above-ground))~~ channel ~~or piped~~ system, ~~((pipe or culvert,))~~ stream, or
4235 wetland, and which infiltrates water into the ground.

4236 B. For the purposes of ~~((the water))~~ aquatic area types in subsection A. of this
4237 section ~~((, ((an above-ground)))~~:

4238 1. ~~a~~ A channel system is ~~((considered to be))~~ present if the ~~((one hundred year))~~
4239 floodplains of both the contributing and receiving waters are connected; ~~and~~

4240 2. Fish habitat may be classified by:

4241 a. the presence of fish;

4242 b. a stream segment, that is perennial or ephemeral, with a defined channel of
4243 two feet or greater bank full width and a gradient less than twenty percent; or

4244 c. any stream located within the floodplain of type S or F water.

4245 ((C. The department may determine that an area upstream of a legal human made
4246 barrier is not fish habitat considering the following factors:

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4247 1. The human made barrier is located beneath public infrastructure that is
4248 unlikely to be replaced and it is not feasible to remove the barrier without removing the
4249 public infrastructure;

4250 2. The human made barrier is in the Urban Growth Area established by the
4251 King County Comprehensive Plan and is located beneath one or more dwelling units and
4252 it is not feasible to remove the barrier without removing the dwelling unit;

4253 3. The human made barrier is located in a subbasin that is not designated "high"
4254 on the Basin and Shoreline Conditions Map which is included as Attachment A to
4255 Ordinance 15051; or

4256 4. The human made barrier is not identified for removal by a public agency or
4257 in an adopted watershed plan.))

4258 SECTION 7387. Ordinance 15051, Section 193, as amended, and K.C.C.
4259 21A.24.358 are hereby amended to read as follows:

4260 A. ((Aquatic area buffers)) Riparian areas shall ((be measured as follows)):

4261 1. ((From the ordinary high water mark or from the top of bank if the ordinary
4262 high water mark cannot be identified;

4263 2. If)) Where the adjacent aquatic area is ((located within)) in a mapped severe
4264 channel migration hazard area((, the ((aquatic area buffer riparian area width shall be
4265 ((the greater of the aquatic area buffer width as)) measured ((consistent with subsection
4266 A.1. of this section or)):

4267 a. include the severe channel migration hazard area; and

4268 b. extend from the outer edge of the severe channel migration hazard area;

4269

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Commented [JN465]: This section A. is reframed so it is the point to begin measurement, and subsection B. indicates specific widths

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Commented [EA466]: Rearranged the order so that the CMZ language comes first, and if there is not a mapped severe CMZ, then ordinary high water mark is used to measure riparian width.

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2. Where the adjacent aquatic area is not in a mapped severe channel migration hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; ~~((and))~~

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3. ~~((If the ((aquatic area buffer)) riparian area includes a steep slope hazard area or a landslide hazard area, the ((aquatic area buffer)) riparian area width is the greater of ((either))~~

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~~a. the ((aquatic area buffer)) riparian area width as required in this section ((or the top of the hazard area))~~; or

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~~b. the riparian area width as required in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the riparian area width otherwise required;~~

4. If the adjacent aquatic area is located within an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as defined in this section; or

b. the extent of the alluvial fan hazard area; and

Commented [JN467]: This is moved to subsection B, which modifies the widths specified in the table

5. ~~If the adjacent aquatic area is conveyed underground, the riparian area width is measured only from the above ground portion of the aquatic area. This riparian area extends in all directions from the point at which the adjacent aquatic area enters or exits the an underground conveyance system.~~

Commented [JN468]: streamlining

B.1. ~~((Within the ((U))urban ((G))rowth ((A))rea, ((aquatic area buffers))~~

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~~Riparian area widths shall be as follows:~~

~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~

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- 4293 2. ~~A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~
 4294 ~~on the Basin and Shoreline Conditions Map is one hundred sixty-five feet;~~
 4295 3. ~~A type N aquatic area buffer is sixty-five feet; and~~
 4296 4. ~~A type O aquatic area buffer is twenty-five feet;))~~

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F</u> in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map outside the Urban Growth Area	<u>200 feet</u>
All other <u>S or F in the Urban Growth Area</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

Commented [EA469]: Removes separate riparian area width for "high" basin condition in the UGA.
 Streamlining edit to combine the two tables.

- 4297 2. ~~If the riparian area is in a steep slope hazard area or a landslide hazard area,~~
 4298 ~~the riparian area width is the greater of:~~
 4299 a. ~~the riparian area width as described in this section; or~~
 4300 b. ~~the extent of the landslide or steep slope hazard area upslope up to a~~
 4301 ~~maximum total width of twice the riparian area width, as measured perpendicular to the~~
 4302 ~~topographic contours;~~
 4303 3. ~~If the adjacent aquatic area is in an alluvial fan, the riparian area width is the~~
 4304 ~~greater of:~~
 4305 a. ~~the riparian area width as described in this section; or~~
 4306 b. ~~the extent of the alluvial fan hazard area.~~

Commented [JN470]: Moved from 21A.24.358 to describe how the widths may be modified under certain conditions.

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C. ~~((Outside the ((U)urban ((G))rowth ((A))rea, ((aquatic area buffers))~~

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~~riparian areas~~ shall be as follows:

~~((1. A type S or F aquatic area buffer is one hundred sixty five feet;~~

~~2. A type N aquatic area buffer is sixty five feet; and~~

~~3. A type O aquatic area buffer is twenty five feet.))~~

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F</u>	<u>200 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

D. ~~((Within the Bear Creek drainage basin a type N aquatic area buffer in a~~

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~~designated regionally significant resource area is one hundred feet.~~

E. ~~((The department may approve a modification of ((buffer widths if)) a~~

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~~riparian area width required by this section by averaging the riparian area width, if the~~

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~~resulting riparian area meets the following standards~~may be allowed if an ecological

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~~critical area report demonstrates:~~

1.~~((a. The department determines that through buffer averaging the ecological~~

~~structure and function of the resulting buffer is equivalent to or greater than the structure~~

~~and function before averaging and meets the following standards:~~

~~(1) the total area of the buffer is not reduced;~~

~~(2) the buffer area is contiguous; and~~

~~(3) averaging does not result in the reduction of the minimum buffer for the~~

~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~

~~migration hazard area;~~

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4326 b. ~~the applicant demonstrates that the buffer cannot provide certain functions~~
4327 ~~because of soils, geology or topography, in which case the department shall establish a~~
4328 ~~buffer's width that protects the remaining ecological functions that the buffer can provide;~~
4329 c. ~~the site is zoned RA and is subject to an approved rural stewardship plan. In~~
4330 ~~modifying the buffers, the department shall consider factors such as, the basin and~~
4331 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~
4332 ~~condition and the amount of clearing;~~
4333 d. ~~a legally established roadway transects an aquatic area buffer, the roadway~~
4334 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~
4335 ~~the other side of the roadway provides insignificant biological or hydrological function in~~
4336 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~
4337 e. ~~the aquatic area is created or its type is changed as a result of enhancement~~
4338 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~
4339 ~~and~~
4340 2. ~~If the site is located within the shoreline jurisdiction, that no net loss of~~
4341 ~~shoreline ecological functions will result when considering projects that combine reduced~~
4342 ~~buffer's and habitat restoration.))~~ The total ~~land area~~ amount of the riparian area after
4343 averaging is ~~equivalent~~ equal to or greater than the total ~~land area~~ amount of the riparian
4344 area before averaging;
4345 2. The additional riparian area is contiguous with the standard riparian area;
4346 3. The riparian area at its narrowest point is ~~never no~~ less than seventy-five
4347 percent of the standard ~~required~~ width;

Commented [JN472]: Clarifying edits.

Commented [JN473]: Consistency edits.

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4. ~~No net loss of riparian area, adjacent aquatic area, or shoreline ecological functions and values shall occur as a result of the averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the riparian area where native vegetation does not currently exist;~~

Commented [JN474]: Move text to reorder the list to be similar to wetland section

Commented [JN475]: Combined from 7.

45. ~~The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to the lower functioning or less sensitive portion, as demonstrated by an ecological critical area report from an ecological professional;~~

Commented [JN476]: moved to the beginning of this section

~~5. No net loss of riparian area or adjacent aquatic area functions and values will occur as a result of the averaging, as demonstrated by an ecological critical area report from an ecological professional;~~

6. ~~Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the extent of the hazard areas; and~~

~~7. If the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and~~

Commented [JN477]: Combined with 4

87. ~~Riparian area averaging cannot be~~ is not combined with any other riparian area width modifications.

SECTION 7488. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

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4370 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
4371 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~
4372 ~~area buffers))~~ riparian areas;

4373 B. ~~Clearing, ((G))grading ((for allowed alterations in ((aquatic area buffers)~~
4374 ~~riparian areas is))~~, and other site disturbances are only allowed from May 1 to October 1.
4375 ~~((This))~~ The period may be modified ~~or restricted~~ when the department determines it is
4376 necessary along ~~((marine shorelines)) aquatic areas~~ to protect critical forage fish and
4377 salmonid migration, ~~((or))~~ as provided in K.C.C. 16.82.095, ~~or as required by a state or~~
4378 ~~federal permit~~;

4379 C. The moisture-holding capacity of the topsoil layer on all areas of the site not
4380 covered by impervious surfaces should be maintained by:

- 4381 1. Minimizing soil compaction, or
4382 2. Reestablishing natural soil structure and the capacity to infiltrate;

4383 D. New structures within a ~~((n-aquatic area buffer))~~ riparian area should be sited
4384 to avoid the creation of future hazard trees and to minimize the impact on groundwater
4385 movement; ~~((and))~~

4386 E. To the maximum extent practical:

- 4387 1. The soil duff layer should not be disturbed, but if disturbed, should be
4388 redistributed to other areas of the project site where feasible;
4389 2. A spatial connection should be provided between vegetation within and
4390 outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw hazards;
4391 and

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Commented [JN479]: Expands it to all aquatic areas, as type S and Fare fish habitat so permit review can determine what modifications or restrictions should be in place.

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3. Hazard trees ~~((should be retained))~~ approved for removal in ~~((aquatic area buffers))~~ riparian areas ~~((and))~~ should be either topped or pushed over toward the aquatic area, and not ~~taken out of~~ removed from the riparian area; ~~((and))~~

F. ~~Mitigation or restoration~~ A projects may include climate-smart adaptive plants approved by King County, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland-region into an aquatic area or riparian area unless authorized by state or federal approval; and

G. If a ~~((restoration, enhancement, or mitigation))~~ project ~~((proposes to place))~~ includes large wood ~~((woody debris))~~ waterward of the ordinary high water mark of a ~~((F))~~ type S aquatic area, the applicant shall ~~((consider))~~ minimize the potential for recreational hazards in project design.

SECTION 7589. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows:

In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate for the adverse impacts associated with an alteration to))~~ in an aquatic area or ~~((aquatic area buffer))~~ riparian area:

A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or better aquatic or riparian area functions than prealteration conditions, including, but not limited to:

1. Habitat complexity, connectivity, and other biological, and ecological functions;

Commented [JN480]: This is broadened to all projects, not just mitigation and restoration projects, in an aquatic area or riparian area.

Commented [JN481]: Consistency edit to reflect terminology change.

Commented [JN482]: Changes made to reflect the edits related to “climate-smart plants” elsewhere.

Commented [JN483]: This is broadened to all projects, not just mitigation and restoration projects, in an aquatic area or riparian area.

Commented [JN484]: Grammatical edit

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- 4414 2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~
4415 ~~quality))~~; ~~((and))~~
- 4416 3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature
4417 control, pollution removal, water purification, and other water quality functions; and
- 4418 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural
4419 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial
4420 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat
4421 processes and functions;
- 4422 B. ~~((To the maximum extent practical, permanent ((alterations)) impacts that~~
4423 ~~require mitigation such as restoration or enhancement of the altered aquatic area ((~~
4424 ~~aquatic area buffer)) or riparian area, or another aquatic area or ((aquatic area buffer must~~
4425 ~~consider)) riparian area. The mitigation plan shall document address in a mitigation plan~~
4426 ~~how~~ the following design factors~~((;))~~ have been considered as applicable ~~((to the function~~
4427 ~~being mitigated))~~:
- 4428 1. The natural channel or shoreline reach dimensions including its depth, width,
4429 length, and gradient;
- 4430 2. The horizontal alignment and sinuosity;
- 4431 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical
4432 or similar substrate and similar erosion and sediment transport dynamics;
- 4433 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;
4434 ~~((and))~~
- 4435 5. ~~((Similar))~~ Native vegetation or climate-smart adaptive plant species
4436 diversity, size, and densities ~~((in the ((channel, sea bed or lake bottom and on the))~~

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4437 ~~adjacent~~ comparable to a nearby relatively undisturbed riparian ~~((bank or buffer))~~ area
4438 with similar configuration, spatial arrangement, and solar aspect;

4439 6. Similar slope and elevation; and

4440 7. Similar soil conditions, including moisture, saturation, and organic content;

4441 C. Mitigation ~~((to compensate))~~ for ~~((adverse impacts))~~ ~~to~~ aquatic areas shall
4442 meet the following standards:

4443 1. Mitigation shall ~~((N))~~not be located upstream of a barrier to fish passage; ~~and~~

4444 2. ~~((Is equal or greater in biological function; and~~

4445 3.)) To the maximum extent practical ~~((is)), mitigation shall be:~~

4446 ~~a.~~ located on the development proposal site ~~((of the alteration))~~ or within one-
4447 half mile of the site and in the same aquatic area reach ~~((at a ((1:1)) 2:1 ratio of area of~~
4448 ~~mitigation to area of ((alteration)) impact; or~~

4449 ~~((4. Is))~~~~b. If mitigation cannot~~unable to be located on the site or within one-
4450 half mile of the site, it shall be located in the same ~~((aquatic area))~~ drainage subbasin or
4451 marine shoreline ~~((and attains the following ratios of area of functional mitigation to area~~
4452 ~~of ((alteration)) impact:~~

4453 ~~((a.)) (1)~~ a 3:1 ratio for a type S or F aquatic area; and

4454 ~~((b.)) (2)~~ a 2:1 ratio for a type N or O aquatic area); ~~and~~

4455 3. Mitigation ratios for aquatic areas are as follows:

<u>Aquatic Area and Location</u>	<u>Mitigation Location</u>	<u>Mitigation Ratio (mitigation area to impact area)</u>
<u>All aquatic areas</u>	<u>On the development proposal site</u>	<u>2:1</u>

Commented [JN489]: Changes to reflect that the area for comparison should be undisturbed

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<u>All aquatic areas</u>	<u>Within 1/2 mile of the development proposal site and in the same aquatic reach</u>	<u>2:1</u>
<u>Type S or F</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>3:1</u>
<u>Type N or O</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>2:1</u>

D. For purposes of subsection C. of this section, ((a)) mitigation ((measure)) is in the same aquatic area reach if the length of aquatic area ((shoreline)) or adjacent riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;
2. Similar processes including erosion and transport of sediment and ((woody debris)) large wood;
3. ((Equivalent)) Equal or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and
4. ((Equivalent)) Equal or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((and)) and
5. For tributary streams, a distance of no more than one-half mile from the main stem;

E. 1. ((The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic

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area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:

1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;
 2. Financing or funding guarantees for the duration of the monitoring program;
- and

3. Experienced, qualified staff to perform the monitoring;) For riparian areas,

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On-site mitigation shall use the ratios in subsection E.21. or E.2. of this section.

Mitigation shall consist of restoration or creation, including through revegetation with

native vegetation or climate-adaptive plants and removing invasive species, or both;

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unless the department establishes an alternative mitigation ratio with supplemental

actions in accordance with subsection F. of this section;

21. Standard on-site mitigation Ratios of area of mitigation to area of impact for on-site mitigation for riparian areas for riparian areas are as follows:

Adjacent Aquatic Area Type	On-site Compensatory Mitigation Ratio (mitigation area to impact area)
Shoreline (S)	3:1
Fish bearing (F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

F.12. The department may approve an alternative on-site area mitigation ratios for riparian areas, to subsection E. of this section when the following requirements of subsection F.2. of this section are met.

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~~2. Required actions for alternative on-site riparian area mitigation ratio if the alternative mitigation provides equal or better ecological function than the standard mitigation requirements. Alternative mitigation is based on the type of existing vegetation impacted, as follows:~~

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<u>Adjacent Aquatic Area Type</u>	<u>Impacts to Woody Vegetation (Trees and Shrubs)</u>	<u>Impacts to Non-Woody Vegetation or Unvegetated Areas</u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one primary action or three secondary actions</u>	<u>1.5:1 ratio with at least one primary action or two secondary actions</u>
<u>Fish bearing (F)</u>		
<u>Non-fish bearing (N)</u>		
<u>Other (O)</u>	<u>1.5:1 ratio with at least one primary action or two secondary actions</u>	<u>1:1 ratio with at least one primary or secondary action</u>

~~3a. Primary actions include:~~

~~a.(1) placing large wood in adjacent aquatic areas, if when not associated with installed for shoreline stabilization or flood protection facilities;~~

~~b.(2) removing a fish passage barrier, if not required by the development permit;~~

~~c.(3) removing an aquatic area transportation crossing, such as a road, bridges, or trails, and revegetating with native vegetation or climate-adaptive plants as appropriate. Utility-only crossings are not included under this action, unless the removal is part of an integrated transportation crossing removal project;~~

~~d.(4) removing shoreline armoring, revetments, or levees; or~~

Commented [JN500]: Clarifying edits. "Associated with" might imply that any large wood placed as part of a shoreline stabilization project would not qualify, rather than large wood that is installed for shoreline stabilization or flood protection facilities.

Commented [EA501]: Clarifying revegetation requirements.

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~~e.(5)~~ other similar actions as determined by the department.

4.b. Secondary actions include:

~~a.(1) planting~~ adding area contiguous to the existing riparian area at a ratio of

~~0.5:1 where otherwise not required. If the area of addition does not have an equal~~

~~ecological function to the impact area, the area shall be revegetated with native~~

~~vegetation or trees, climate-smart adaptive plants, and shrubs in areas of riparian area~~

~~addition lacking native vegetation that are adjacent to and contiguous with existing~~

~~riparian areas, within an area equal to one-half of the area of impact. This action cannot~~

~~be applied where the riparian area addition requires enhancement to achieve equal~~

~~function to the impact area;~~

~~b.(2)~~ placing large wood in riparian areas or an adjacent floodplain;

~~e.(3)~~ installing wildlife snags or similar wildlife nesting or rearing habitat;

~~d.(4)~~ removing floodplain fill and replanting with native vegetation or

~~climate-smart adaptive plants as appropriate; or~~

~~(5) removing a fish passage barrier if required by a development permit;~~

~~e.(6)~~ other similar actions as ~~determined~~ approved by the department;

~~GF.1. For riparian areas, off-site mitigation in the same drainage subbasin may be~~

~~allowed If if the mitigation is unable to be located on or within one-half mile of the site.~~

~~off site mitigation for riparian areas in the same drainage subbasin, may be accepted by~~

~~the department and~~ Off-site mitigation shall be within a mitigation banking site, resource

mitigation reserve, or conservation easement if on private property. ~~Off-site mitigation~~

~~shall use the ratios of area of mitigation to area of impact in subsection G.2. of this~~

~~section.~~

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Commented [JN505]: Allow credit for barrier removal required by permit due to complexity/difficulty

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2. Off-site compensatory mitigation ratios of area of mitigation to area of impact of riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>Off-Site Compensatory Mitigation Ratio</u>
<u>Shoreline (S)</u>	<u>4:1</u>
<u>Fish bearing (F)</u>	<u>4:1</u>
<u>Non-fish bearing (N)</u>	<u>4:1</u>
<u>Other (O)</u>	<u>3:1; and</u>

HG. For rectifying an illegal alteration to ~~((any type of))~~ an aquatic area or ~~((its buffer))~~ riparian area, mitigation ~~((measures ((must meet the following standards)) shall:~~

~~1.)) For an aquatic area, shall be ((L))~~ located on the site of the illegal alteration at a ~~((1:1))~~ 4:1 compensatory mitigation ratio of ~~((area of mitigation to area of ((alteration)) impact: ((and))~~

~~2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1 ratio for adjacent type O aquatic areas; and~~

~~3. To the maximum extent practical,)) of 3:1, replicate((s)) the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((; and~~

G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.

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H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer)) to the maximum extent practical.

SECTION 7690. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is ~~((an area with))~~ a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

~~((2))~~ 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders, or other heavy equipment, ~~((may)) shall~~ not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is ~~((an area with))~~ an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

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4564 2. Between January 1 and July 31, clearing or grading are not allowed within
4565 nine-hundred-twenty-four feet of the rookery;

4566 D. For a marbled murrelet, the wildlife habitat conservation area is ~~((an area~~
4567 ~~with))~~ a one-half-mile radius around an active nest;

4568 E. For a northern goshawk, the wildlife habitat conservation area ~~((is an area))~~
4569 with a one-thousand-five-hundred-foot radius around an active nest located outside of the

4570 ~~((#))Urban ((#))Growth ((#))Area;~~

4571 F. For an osprey:

4572 1. The wildlife habitat conservation area is ~~((an area with))~~ a two-hundred-
4573 thirty-foot radius around an active nest; and

4574 2. Between April 1 and September 30, alterations are not allowed within six-
4575 hundred-sixty feet of the nest;

4576 G. For a peregrine falcon:

4577 1. The wildlife habitat conservation area is an area extending for a distance of
4578 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the
4579 rim of the cliff, and the area immediately below the cliff;

4580 2. Between March 1 and June 30, land-clearing activities that result in loud
4581 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within
4582 one-half mile of the eyrie; and

4583 3. New power lines ~~((may)) shall~~ not be constructed within one-thousand feet of
4584 the eyrie;

4585 H. For a spotted owl, the wildlife habitat conservation area is ~~((an area with))~~ a
4586 three-thousand-seven-hundred-foot radius from an active nest;

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I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is ~~((an area with))~~ a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony;

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2. Between November 1 and March 31, the wildlife habitat conservation area is ~~((an area with))~~ a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the ~~((#))Urban ((#))Growth ((#))Area~~ serving as a winter hibernacula;

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3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting ~~((may)) shall~~ not be altered or destroyed;

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4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence ~~((is)) shall be~~ protected from human entry; and

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5. A gate across the entrance to a cave or mine that is protected because of bat presence ~~((must)) shall~~ be designed to allow bats to enter and exit the cave or mine;

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J. For a Vaux's swift:

1. The wildlife habitat conservation area is ~~((an area with))~~ a three-hundred-foot radius around an active nest located outside of the ~~((#))Urban ((#))Growth ((#))Areas~~;

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2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest;

K. The department shall require protection of an active breeding site of any

federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ~~((not listed in subsections B. through J. of this~~

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section)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C.

21A.24.385 are hereby amended to read as follows:

A. ~~((The department shall make certain that s))~~Segments of the wildlife habitat network ~~((are))~~ shall be set aside and protected along the designated wildlife habitat network adopted by the ~~((King County))~~ Comprehensive Plan ~~((as follows:))~~.

~~((A.))~~ This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network:

1. All ~~((urban planned developments, fully contained communities,))~~ binding site plans, subdivisions, and short subdivisions; and

2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement, or setback area, and a notice of the existence of the segment has been recorded;

B. Segments of the wildlife habitat network ~~((must))~~ shall be identified and protected in one of the following ways:

1. In ~~((urban planned developments, fully contained communities,))~~ binding site plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous permanent open~~((-))~~ space tract with all developable lots sited on the remaining portion

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of the ~~((project))~~ development proposal site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or

2. For individual lots, the network is placed in a county-approved setback area.

To the maximum extent practical, existing native vegetation is included in the network.

The notice required by K.C.C. ~~((21A.27.170))~~ 21A.24.170 is required; and

C. All wildlife habitat network tracts or setback areas ~~((must))~~ shall meet the design standards in K.C.C. 21A.24.386.

SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C.

21A.24.386 are hereby amended to read as follows:

The following standards apply to development proposals and alterations on sites containing wildlife habitat network:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

B. The wildlife habitat network is sited to meet the following conditions:

1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary;

2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and

3. The network is contiguous with and includes critical areas and their buffers;

4. To the maximum extent practical, the network connects isolated critical areas or habitat; and

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5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts, or wooded areas on adjacent properties, if present;

C. The wildlife habitat network tract ~~((must))~~ shall be permanently marked in accordance with this chapter;

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D. An applicant proposing recreation, forestry, or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site ~~((must))~~ shall have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;

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E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan;

F. In ~~((urban planned developments, fully contained communities,))~~ binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

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G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat

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value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION 7793. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate))~~ for ~~((the adverse impacts associated with))~~ wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to))~~ a wildlife habitat conservation area ~~((must))~~ shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the ~~((wildlife))~~ habitat ~~((conservation area))~~ of the species impacted;

B. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to the))~~ a wildlife habitat network ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or better biological functions, including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and
2. Attain the following ratios of area of mitigation to area of alteration:
 - a. for mitigation on site:

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4700 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;
4701 and

4702 (2) 1.5:1 ratio for enhancement or restoration; and

4703 b. for mitigation off-site:

4704 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;
4705 and

4706 (2) 3:1 ratio for enhancement or restoration;

4707 C. For temporary ~~((alterations)) impacts~~, the department may require

4708 ~~((rectification)) rehabilitation~~, restoration, or enhancement of the altered wildlife habitat
4709 network;

4710 D. The department may increase the width of the wildlife habitat network to
4711 mitigate for risks to habitat functions;

4712 E. To the maximum extent practical, mitigation projects involving wildlife
4713 habitat network restoration should provide replication of the site's prealteration natural
4714 environment including:

4715 1. Soil type, conditions, and physical features;

4716 2. Vegetation diversity and density; and

4717 3. Biological and habitat functions; and

4718 F. The department may modify the requirements in this section if the applicant
4719 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife
4720 habitat conservation area or wildlife habitat network through alternative mitigation
4721 measures.

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4722 NEW SECTION. SECTION 94. [There is hereby added to K.C.C. chapter
4723 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:
4724 Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and
4725 K.C.C. Title 23.

4726 SECTION 7895. Ordinance 16958, Section 31, as amended, and K.C.C.
4727 21A.25.100 are hereby amended to read as follows:

4728 A. The shoreline use table in this section determines whether a specific use is
4729 allowed within each of the shoreline environments. The shoreline environment is located
4730 on the vertical column and the specific use is located on the horizontal row of the table.
4731 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The
4732 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be
4733 interpreted as follows:

4734 1. If the cell is blank in the box at the intersection of the column and the row,
4735 the use is prohibited in that shoreline environment;

4736 2. If the letter "P" appears in the box at the intersection of the column and the
4737 row, the use may be allowed within the shoreline environment;

4738 3. If the letter "C" appears in the box at the intersection of the column and the
4739 row, the use may be allowed within the shoreline environment subject to the shoreline
4740 conditional use review procedures specified in K.C.C. 21A.44.100;

4741 4. If a number appears in the box at the intersection of the column and the row,
4742 the use may be allowed subject to the appropriate review process in this section, the
4743 general requirements of this chapter and the specific development conditions indicated

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4744 with the corresponding number in subsection C. of this section. If more than one number
4745 appears after a letter, all numbers apply;

4746 5. If more than one letter-number combination appears in the box at the
4747 intersection of the column and the row, the use is allowed in accordance with each letter-
4748 number combination;

4749 6. A shoreline use may be allowed in the aquatic environment only if that
4750 shoreline use is allowed in the adjacent shoreland environment; and

4751 7. This section does not authorize a land use that is not allowed by the
4752 underlying zoning, but may add additional restrictions or conditions or prohibit specific
4753 land uses within the shoreline jurisdiction. When there is a conflict between the allowed
4754 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for
4755 shoreline uses shall first be given to water-dependent uses, then to water related uses, and
4756 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with
4757 all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master
4758 ~~((P))~~program.

4759 B. Shoreline uses.

	High Intensi ty	Resident ial	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aqua tic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	

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Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial								

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Development								
General Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except SIC Industry 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government	P9	P9	P9	P9	P9	P9	P9	C10

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services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.069055)								
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production	C13	C13	C13			C13		C13

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(K.C.C. 21A.08.100)								
In-stream utility facilities (K.C.C. 21A.08.055060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)faciliti es								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17

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Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C. 21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08. xxx (((the new section created by))) Ordinance XXXXXX (Proposed Ordinance 2024		P	P	P	P	C22	C22	

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0440), ((s))Section 148 ((of Proposed Ordinance 2023- 0442)))045)								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.xxx (((the	P23	P						

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new section created by)) Ordinance XXXXXX (Proposed Ordinance 2024- 0440), ((s))Section 148 ((of Proposed Ordinance 2023- 0442))))045)								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C.								

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21A.08.055(60)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060(55))	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

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C. Development conditions:

1. In the ~~((N))~~ natural shoreline environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.

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4783 f. Farm-raised geoduck aquaculture requires a shoreline substantial
4784 development permit if a specific project or practice causes substantial interference with
4785 normal public use of the surface waters.

4786 g. A conditional use permit is required for new commercial geoduck
4787 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
4788 planting and harvest shall not require a new conditional permit.

4789 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,
4790 from Piner Point to Point Robinson.

4791 b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4792 4. ~~Water-Water~~-dependent ~~general-personal~~ services land uses in K.C.C.
4793 21A.08.050 are allowed. Nonwater-dependent ~~general-personal~~ services land uses in
4794 K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary
4795 high water mark or on sites that do not have an easement that provides direct access to
4796 the water.

4797 5.a. Water-dependent ~~general-personal~~ services land uses in K.C.C. 21A.08.050
4798 are allowed.

4799 b. Nonwater-dependent ~~general-personal~~ services land uses in K.C.C.
4800 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes
4801 water-dependent uses.

4802 c. Nonwater-oriented ~~general-personal service(s))~~ land uses shall provide a
4803 ((significant)) public benefit by ((helping to achieve)) achieving one or more of the
4804 following shoreline master program goals:

4805 (1) economic development for water-dependent uses;

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- 4806 (2) public access;
- 4807 (3) water-oriented recreation;
- 4808 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
- 4809 habitat; ~~((and))~~ or
- 4810 (5) protection and restoration of historic properties.
- 4811 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
- 4812 Water-related business service(~~((s))~~) uses are only allowed as part of a shoreline mixed-use
- 4813 development and only if they support a water-dependent use. The water-related business
- 4814 service(~~((s))~~) uses shall comprise less than one-half of the square footage of the structures
- 4815 or the portion of the site within the shoreline jurisdiction.
- 4816 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.
- 4817 b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
- 4818 part of a shoreline mixed-use development if the nonwater-dependent retail use supports
- 4819 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the
- 4820 square footage of the structures or the portion of the site within the shoreline jurisdiction.
- 4821 c. Nonwater-oriented retail uses shall provide a significant public benefit by
- 4822 helping to achieve one or more of the following shoreline master program goals:
- 4823 (1) economic development for water-dependent uses;
- 4824 (2) public access;
- 4825 (3) water-oriented recreation;
- 4826 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
- 4827 habitat; and
- 4828 (5) protection and restoration of historic properties.

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8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

- a. economic development for water-dependent uses;
- b. public access;
- c. water-oriented recreation;
- d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and
- e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.060-055 are allowed.

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b. Nonwater-dependent government services in K.C.C. 21A.08.060-055 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((N))natural environment.

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10. The following standards apply to government services uses within the ((A))aquatic environment:

- a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,

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4852 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
4853 except from Piner Point to Point Robinson;

4854 b. Water intakes shall not be located near fish spawning, migratory, or rearing
4855 areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife
4856 fish screening criteria. To the maximum extent practical, intakes should be placed at
4857 least thirty feet below the ordinary high water mark;

4858 c. Desalinization facilities shall not be located near fish spawning, migratory,
4859 or rearing areas. Intakes should generally be placed deeper than thirty feet below the
4860 ordinary high water mark and shall adhere to Washington state Department Fish and
4861 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
4862 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner
4863 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
4864 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

4865 d. ~~(C)~~able crossings for telecommunications and power lines shall:

4866 (1) be routed around or drilled below aquatic critical habitat or species;

4867 (2) be installed in sites free of vegetation, as determined by physical or video
4868 seabed survey;

4869 (3) be buried, preferably using directional drilling, from the uplands to
4870 waterward of the deepest documented occurrence of native aquatic vegetation; and

4871 (4) use the best available technology;

4872 e. ~~(O)~~il, gas, water, and other pipelines shall meet the same standards as

4873 cable crossings and in addition:

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4874 (1) pipelines shall be directionally drilled to depths of seventy feet or one half
4875 mile from the ordinary high water mark; and

4876 (2) use the best available technology for operation and maintenance;

4877 f. ~~((B))~~ breakwaters are not allowed within the Maury Island Aquatic Reserve
4878 or within the ~~((A))~~ aquatic environment adjacent to the ~~((C))~~ conservancy and ~~((N))~~ natural
4879 shorelines.

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4880 11. In the ~~((N))~~ natural shoreline environment, limited to low intensity forest
4881 practices that conserve or enhance the health and diversity of the forest ecosystem or
4882 ecological and hydrologic functions conducted for the purpose of accomplishing specific
4883 ecological enhancement objectives. In all shoreline environments, forest practices shall
4884 meet the standards in K.C.C. 21A.25.130.

4885 12. Manufacturing uses in the shoreline environment shall give preference first
4886 to water-dependent manufacturing uses and second to water-related manufacturing uses:

4887 a. ~~((N))~~ nonwater-oriented manufacturing uses are allowed only:

4888 (1) as part of a shoreline mixed-use development that includes a water-
4889 dependent use, but only if the water-dependent use comprises over fifty percent of the
4890 floor area or portion of the site within the shoreline jurisdiction;

4891 (2) on sites where navigability is severely limited; or

4892 (3) on sites that are not contiguous with the ordinary high water mark or on
4893 sites that do not have an easement that provides direct access to the water; and

4894 (4) all nonwater-oriented manufacturing uses shall also provide a significant
4895 public benefit, such as ecological restoration, environmental clean-up, historic
4896 preservation, or water-dependent public education;

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4897 b. public access is required for all manufacturing uses unless it would result in
4898 a public safety risk or is incompatible with the use;

4899 c. shall be located, designed, and constructed in a manner that ensures that
4900 there are no significant adverse impacts to other shoreline resources and values;

4901 d. restoration is required for all new manufacturing uses; and

4902 e. boat repair facilities are not allowed within the Maury Island Aquatic

4903 Reserve, except as follows:

4904 (1) engine repair or maintenance conducted within the engine space without
4905 vessel haul-out;

4906 (2) topside cleaning, detailing, and bright work;

4907 (3) electronics servicing and maintenance;

4908 (4) marine sanitation device servicing and maintenance that does not require
4909 haul-out;

4910 (5) vessel rigging; and

4911 (6) minor repairs or modifications to the vessel's superstructure and hull
4912 above the waterline that do not exceed twenty-five percent of the vessel's surface area
4913 above the waterline.

4914 13. The water-dependent in-stream portion of a hydroelectric generation facility,
4915 wastewater treatment facility, and municipal water production are allowed, including the
4916 upland supporting infrastructure, and shall provide for the protection and preservation, of
4917 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
4918 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
4919 hydrogeological processes, and natural scenic vistas.

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4920 14. New in-stream portions of utility facilities may be located within the
4921 shoreline jurisdiction if:
4922 a. there is no feasible alternate location;
4923 b. provision is made to protect and preserve ecosystem-wide processes,
4924 ecological functions, and cultural resources, including, but not limited to, fish and fish
4925 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
4926 and natural scenic vistas; and
4927 c. the use complies with the standards in K.C.C. 21A.25.260.

4928 15. Limited to in-stream infrastructure, such as bridges, and shall consider the
4929 priorities of the King County Shoreline Protection and Restoration Plan when designing
4930 in-stream transportation facilities. In-stream structures shall provide for the protection
4931 and preservation of ecosystem-wide processes, ecological functions, and cultural
4932 resources, including, but not limited to, fish and fish passage, wildlife and water
4933 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

4934 16. Limited to hatchery and fish preserves.

4935 17. Mineral uses:
4936 a. shall meet the standards in K.C.C. chapter 21A.22;
4937 b. shall be dependent upon a shoreline location;
4938 c. shall avoid and mitigate ~~((adverse))~~ impacts to the shoreline environment
4939 during the course of mining and reclamation to achieve no net loss of shoreline ecological
4940 function. In determining whether there will be no net loss of shoreline ecological
4941 function, the evaluation may be based on the final reclamation required for the site.

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4942 Preference shall be given to mining proposals that result in the creation, restoration, or
4943 enhancement of habitat for priority species;

4944 d. shall provide for reclamation of disturbed shoreline areas to achieve
4945 appropriate ecological functions consistent with the setting;

4946 e. may be allowed within the active channel of a river only as follows:

4947 (1) removal of specified quantities of sand and gravel or other materials at
4948 specific locations will not adversely affect the natural processes of gravel transportation
4949 for the river system as a whole;

4950 (2) the mining and any associated ~~((permitted))~~ allowed activities will not
4951 have ~~((significant adverse))~~ impacts to habitat for priority species nor cause a net loss of
4952 ecological functions of the shoreline; and

4953 (3) if no review has been previously conducted under this subsection C.17.e.,
4954 before renewing, extending, or reauthorizing gravel bar and other in-channel mining
4955 operations in locations where they have previously been conducted, the department shall
4956 require compliance with this subsection C.17.e. If there has been prior review, the
4957 department shall review previous determinations comparable to the requirements of this
4958 section C.17.e. to ensure compliance with this subsection under current site conditions;
4959 and

4960 f. shall comply with K.C.C. 21A.25.190.

4961 18. Only water-dependent recreational uses are allowed, except for public parks
4962 and trails, in the ~~((H))~~high ~~((I))~~intensity shoreline environment and shall meet the
4963 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

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19. Water-dependent and water-enjoyment recreational uses are allowed in the
~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the
standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ~~((C))~~conservancy shoreline environment, only the following
recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public
access and K.C.C. 21A.25.150 for recreation:

- a. parks; and
- b. trails.

21. In the ~~((N))~~natural shoreline environment, only passive and low-impact
recreational uses are allowed.

22. Single detached residences shall be located outside of the ~~((aquatic area
buffer))~~ riparian area and set back from the ordinary high water mark to the maximum
extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development
where water-dependent uses comprise more than half of the square footage of the
structures on the portion of the site within the shoreline jurisdiction.

24. Residential accessory uses shall meet the following standards:

- a. docks, piers, moorage, buoys, floats, or launching facilities shall comply
with the standards in K.C.C. 21A.25.180;
- b. residential accessory structures located within the ~~((aquatic area buffer))~~
riparian area shall be limited to a total footprint of one-hundred fifty square feet; and
- c. accessory structures shall be sited to preserve visual access to the shoreline
to the maximum extent practical.

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25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ~~((N))~~natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION 7996. Ordinance 16985, Section 32, as amended, and K.C.C.

21A.25.110 are hereby amended to read as follows:

An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats.

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5010 D. Aquaculture activities that after implementation of mitigation measures would
5011 have a significant adverse impact on natural, dynamic shoreline processes, or that would
5012 result in a net loss of shoreline ecological functions shall be prohibited.

5013 E. Aquaculture should not be located in areas that will result in significant
5014 conflicts with navigation or other water-dependent uses.

5015 F. Aquaculture facilities shall be designed, located, and managed to prevent the
5016 spread of diseases to native aquatic life or the spread of new nonnative species.

5017 G. Aquaculture practices shall be designed to minimize use of artificial chemical
5018 substances and shall use chemical compounds that are least persistent and have the least
5019 impact on plants and animals. Herbicides and pesticides shall be used only in
5020 conformance with state and federal standards and to the minimum extent needed for the
5021 health of the aquaculture activity.

5022 H. Noncommercial native salmon net pen facilities that involve minimal
5023 supplemental feeding and limited use of chemicals or antibiotics as provided in
5024 subsection G. of this section may be located in King County marine waters if they are
5025 consistent with subsections S. and Y. of this section and are:

5026 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

5027 2. For the limited penned cultivation of wild salmon stocks during a limited
5028 portion of their lifecycle to enhance restoration of native stocks; or

5029 3. For rearing to adulthood in order to harvest eggs as part of a captive brood
5030 stock recovery program for endangered species.

5031 I. If uncertainty exists regarding potential impacts of a proposed aquaculture
5032 activity and for all experimental aquaculture activities, unless otherwise provided for, the

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5033 department may require baseline and periodic operational monitoring by a county-
5034 approved consultant, at the applicant's expense, and shall continue until adequate
5035 information is available to determine the success of the project and the magnitude of any
5036 probable ~~((significant))~~ adverse environmental impacts. Permits for such activities shall
5037 include specific performance measures and provisions for adjustment or termination of
5038 the project at any time if monitoring indicates ~~((significant,))~~ adverse environmental
5039 impacts that cannot be adequately mitigated.

5040 J. Aquaculture developments approved on an experimental basis shall not exceed
5041 five acres in area, except land-based projects and anchorage for floating systems, and
5042 three years in duration. The department may issue a new permit to continue an
5043 experimental project as many times as it determines is necessary and appropriate.

5044 K. The department may require aquaculture operations to carry liability insurance
5045 in an amount commensurate with the risk of injury or damage to any person or property
5046 as a result of the project. Insurance requirements shall not be required to duplicate
5047 requirements of other agencies.

5048 L. If aquaculture activities are authorized to use public facilities, such as boat
5049 launches or docks, King County may require the applicant to pay a portion of the cost of
5050 maintenance and any required improvements commensurate with the use of those
5051 facilities.

5052 M. New aquatic species that are not previously cultivated in Washington state
5053 shall not be introduced into King County saltwaters or freshwaters without prior written
5054 approval of the Director of the Washington state Department of Fish and Wildlife and the
5055 Director of the Washington state Department of Health. This prohibition does not apply

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5056 to((±)) Pacific, Olympia, Kumomoto, Belon₂ or Virginica oysters; Manila, Butter, or
5057 Littleneck clams; or Geoduck clams.

5058 N. Unless otherwise provided in the shoreline permit issued by the department,
5059 repeated introduction of an approved organism after harvest in the same location shall
5060 require approval by the county only at the time the initial aquaculture use permit is
5061 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic
5062 organism in any area within the waters of King County regardless of whether it is a native
5063 or resident organism within the county and regardless of whether it is being transferred
5064 from within or without the waters of King County.

5065 O. For aquaculture projects, overwater structures shall be allowed only if
5066 necessary for the immediate and regular operation of the facility. Overwater structures
5067 shall be limited to the storage of necessary tools and apparatus in containers of not more
5068 than three feet in height, as measured from the surface of the raft or dock.

5069 P. Except for the sorting or culling of the cultured organism after harvest and the
5070 washing or removal of surface materials or organisms before or after harvest, no
5071 processing of any aquaculture product shall occur in or over the water unless specifically
5072 approved by permit. All other processing and processing facilities shall be located
5073 landward of the ordinary high water mark.

5074 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict
5075 compliance with all applicable governmental waste disposal standards, including, but not
5076 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water
5077 Pollution Control. No garbage, wastes₂ or debris shall be allowed to accumulate at the
5078 site of any aquaculture operation.

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5079 R. Unless approved in writing by the National Marine Fisheries Service or the
5080 U.S. Fish and Wildlife Service, predator control shall not involve the killing or
5081 harassment of birds or mammals. Approved controls include, but are not limited to,
5082 double netting for seals, overhead netting for birds, and three-foot high fencing or netting
5083 for otters. The use of other nonlethal, nonabusive predator control measures shall be
5084 contingent upon receipt of written approval from the National Marine Fisheries Service
5085 or the U.S. Fish and Wildlife Service, as required.

5086 S. Finfish net pens and rafts shall meet the following criteria in addition to the
5087 other applicable regulations of this section:

5088 1. Finfish net pens shall not be located in Quartermaster Harbor. For the
5089 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north
5090 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner
5091 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

5092 2. Finfish net pens shall meet, at a minimum, state approved administrative
5093 guidelines for the management of net pen cultures. In the event there is a conflict in
5094 requirements, the more restrictive requirement shall prevail;

5095 3. Finfish net pens shall not occupy more than two surface acres of water area,
5096 excluding booming and anchoring requirements. Anchors that minimize disturbance to
5097 substrate, such as helical anchors, shall be employed. Such operations shall not use
5098 chemicals or antibiotics;

5099 4. Aquaculture proposals that include new or added net pens or rafts shall not be
5100 located closer than one nautical mile to any other aquaculture facility that includes net
5101 pens or rafts. The department may authorize a lesser distance if the applicant

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5102 demonstrates to the satisfaction of the department that the proposal will be consistent
5103 with the environmental and aesthetic policies and objectives of this chapter and the
5104 shoreline master program. The applicant shall demonstrate to the satisfaction of the
5105 department that the cumulative impacts of existing and proposed operations would not be
5106 contrary to the policies and regulations of the program;

5107 5. Net cleaning activities shall be conducted on a frequent enough basis so as
5108 not to violate state water quality standards. When feasible, the cleaning of nets and other
5109 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

5110 6. In the event of a significant fish kill at the site of a net pen facility, the finfish
5111 aquaculture operator shall submit a timely report to public health – Seattle & King
5112 County, environmental health division, and the department of local services, permitting
5113 division, stating the cause of death and shall detail remedial actions to be implemented to
5114 prevent reoccurrence.

5115 T. All floating and submerged aquaculture structures and facilities in navigable
5116 waters shall be marked in accordance with United States Coast Guard requirements.

5117 U. The rights of treaty tribes to aquatic resources within their usual and
5118 accustomed areas shall be addressed through direct coordination between the applicant
5119 and the affected Indian tribes through the permit review process.

5120 V. Aquaculture structures and equipment shall be of sound construction and shall
5121 be so maintained. Abandoned or unsafe structures and equipment shall be removed or
5122 repaired promptly by the owner. Where any structure might constitute a potential hazard
5123 to the public in the future, the department shall require the posting of a bond
5124 commensurate with the cost of removal or repair. The department may abate an

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5125 abandoned or unsafe structure in accordance with K.C.C. Title 23.

5126 W. Aquaculture shall not be approved where it will adversely impact eelgrass and
5127 macroalgae.

5128 X. Commercial salmon net pens and nonnative marine finfish aquaculture are
5129 prohibited.

5130 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations
5131 in this section and shall meet the following criteria and requirements:

5132 1. Each finfish net pen application shall provide a current, peer-reviewed
5133 science review of environmental issues related to finfish net pen aquaculture;

5134 2. The department shall only approve a finfish net pen application if the
5135 department determines the scientific review demonstrates:

5136 a. that the project construction and activities will achieve no net loss of
5137 ecological function in a manner that has no ~~((significant))~~ adverse short-term impact and
5138 no documented adverse long-term impact to applicable elements of the environment,
5139 including, but not limited to, habitat for native salmonids, water quality, critical saltwater
5140 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the
5141 benthic community below the net pen or other environmental attributes; and

5142 b. that the finfish net pen does not involve significant risk of cumulative
5143 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or
5144 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other
5145 adverse effects on native species or threatened or endangered species and their habitats;

5146 3. The department's review shall:

5147 a. include an assessment of the risk to endangered species, non-endangered

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5148 species, and other biota that could be affected by the finfish net pen; and
5149 b. evaluate and model water quality impacts utilizing current information,
5150 technology, and assessment models. The project proponent shall be financially
5151 responsible for this water quality assessment;
5152 4. Finfish net pens shall be designed, constructed and maintained to prevent
5153 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,
5154 wind and wave events of record, floating and submerged debris, and tidal action;
5155 5. Finfish net pens shall not be located:
5156 a. within three hundred feet of an area containing eelgrass or a kelp bed;
5157 b. within one thousand five hundred feet of an ordinary high water mark; or
5158 c. in a designated Washington state Department of Natural Resources aquatic
5159 reserve;
5160 6. A finfish net pen may not be used to mitigate the impact of a development
5161 proposal; and
5162 7. For finfish net pens that are not noncommercial native salmon net pens, the
5163 conditional use permit for the net pen shall be renewed every five years. An updated
5164 scientific review shall be conducted as part of the renewal and shall include a new risk
5165 assessment and evaluation of the impact of the operation of the finfish net pen during the
5166 previous five years.
5167 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).
5168 SECTION 8097. Ordinance 3688, Section 415, as amended, and K.C.C.
5169 21A.25.150 are hereby amended to read as follows:
5170 Recreational development ~~((must))~~ shall meet the following standards:

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5171 A. The recreational development ~~((must be))~~ is permitted in the underlying zone;

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5172 B. Recreational uses in the ~~((N))~~natural shoreline environment ~~((must))~~ shall be
5173 water-oriented;

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5174 C. Swimming areas shall be separated from boat launch areas and marinas, to the
5175 maximum extent practical;

5176 D. The development of underwater sites for sport diving shall not:

5177 1. Take place at depths of greater than eighty feet;

5178 2. Constitute a navigational hazard; and

5179 3. Be located in areas where the normal waterborne traffic would constitute a
5180 hazard to those people who may use such a site;

5181 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,
5182 and launching facilities below the ordinary high water mark shall be governed by the
5183 regulations relating to docks, piers, moorage, buoys, floats, or launching facility
5184 construction in K.C.C. 21A.25.180;

5185 F. Public boat launching facilities or marinas shall be governed by K.C.C.
5186 21A.25.120;

5187 G. Campgrounds in the ~~((N))~~natural shoreline environment shall meet the
5188 following conditions:

5189 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if
5190 not, be located outside of critical area~~((s))~~ and associated buffers;

5191 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

5192 3. Removal of vegetation shall be limited to the maximum extent practical;

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H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;

I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches, or shelter, consistent with public safety and security;

J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non~~((-))~~water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION 8498. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment;

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3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table;

6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High	Resident	Rur	Conserv	Resour	Fores	Natu	Aqua
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	Inten sity	ial	al	ancy	ce	try	ral	tic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5

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weirs								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

5237 C. Development conditions.

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5238 1. New and replacement shoreline stabilization, including bulkheads, shall meet
5239 the standards in K.C.C. 21A.25.170~~((§))~~.

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5240 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.

5241 chapter 21A.24~~7.1~~ goals, objectives, guiding principles, and policies of the 2024 King

Commented [JN541]: Engrosses Ordinance 19881.

5242 County Flood Management Plan~~7.1~~ and the Integrated ~~((Stream))~~ Streambank Protection

5243 Guidelines (Washington state ~~((4))~~) Departments of Fish and Wildlife, Ecology, and

5244 Transportation, ~~((2003))~~ 2002). New structural flood hazard protection measures are

Commented [JN542]: Technical correction. This document was adopted in 2002.

5245 allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific

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5246 and engineering analysis that the structural measures are necessary to protect existing

5247 development, that nonstructural measures are not feasible and that the impact on

5248 ecological functions and priority species and habitats can be successfully mitigated ~~((se~~

5249 as)) to assure no net loss of shoreline ecological functions. New flood protection

5250 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.

5251 21A.25.170.

5252 b. Relocation, replacement, or expansion of existing flood control facilities

5253 within the ~~((N))~~ natural shoreline environment are allowed, subject to the requirements of

5254 the King ~~((e))~~ County Flood ~~((Hazard))~~ Management Plan and consistent with the

Commented [EA543]: Engrossing 19820 and 19881

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5255 ~~((Washington State Aquatic Guidelines Program's))~~ Integrated Streambank Protection

Commented [JN544]: Deleting, as this is mentioned in Sub a. with different agencies

5256 Guidelines and bioengineering techniques used to the maximum extent practical. New

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5257 facilities would only be allowed consistent with an approved watershed resources

5258 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

5259 3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with

5260 the standards in K.C.C. 21A.25.180~~((§))~~.

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5261 4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.
5262 b. A shoreline conditional use permit is required to:
5263 (1) Place fill waterward of the ordinary high water mark for any use except
5264 ecological restoration or for the maintenance and repair of flood protection facilities; and
5265 (2) Dispose of dredged material within shorelands or wetlands within a
5266 channel migration zone;
5267 c. ~~((F))~~ fill shall not be placed in critical saltwater or critical freshwater habitats
5268 except when all ~~((of))~~ the following conditions are met:
5269 (1) the public's need for the proposal is clearly demonstrated and the proposal
5270 is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW
5271 90.58.020;
5272 (2) avoidance of impacts to critical saltwater or critical freshwater habitats by
5273 an alternative alignment or location is not feasible or would result in unreasonable and
5274 disproportionate cost to accomplish the same general purpose;
5275 (3) the project including any required mitigation, will result in no net loss of
5276 ecological functions associated with critical saltwater or critical freshwater habitats; and
5277 (4) the project is consistent with the state's interest in resource protection and
5278 species recovery; and
5279 d. In a channel migration zone, any filling shall protect shoreline ecological
5280 functions, including channel migration.
5281 5.a. Breakwaters, jetties, groins, and weirs:

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5282 (1) are only allowed where necessary to support water dependent uses, public
5283 access, approved shoreline stabilization, or other public uses, as determined by the
5284 director;

5285 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
5286 habitat restoration project or as an alternative to construction of a shoreline stabilization
5287 structure;

5288 (3) shall not intrude into or over critical saltwater or critical freshwater
5289 habitats except when all ~~((of))~~ the following conditions are met:

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5290 (a) the public's need for the structure is clearly demonstrated and the
5291 proposal is consistent with protection of the public trust, ~~((as embodied))~~ in accordance
5292 with RCW 90.58.020;

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Commented [JN546]: Consistent terminology.

5293 (b) avoidance of impacts to critical saltwater or critical freshwater habitats
5294 by an alternative alignment or location is not feasible or would result in unreasonable and
5295 disproportionate cost to accomplish the same general purpose;

5296 (c) the project including any required mitigation, will result in no net loss of
5297 ecological functions associated with critical saltwater or critical freshwater habitats; and

5298 (d) the project is consistent with the state's interest in resource protection
5299 and species recovery.

5300 b. Groins are only allowed as part of a restoration project sponsored or
5301 cosponsored by a public agency that has natural resource management as a primary
5302 function.

5303 c. A conditional shoreline use permit is required, except for structures installed
5304 to protect or restore shoreline ecological functions.

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5305 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.
5306 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
5307 material within shorelands, wetlands, or side channels within a channel migration zone.

5308 7. ~~((a. If the department determines))~~ Limited to projects where the primary
5309 purpose is ~~((restoration))~~ to restore or enhance of the natural character and ecological
5310 functions of the shoreline, ~~((a shoreline habitat, and natural systems enhancement))~~ as
5311 follows:

5312 a. the project may include shoreline modification of vegetation, removal of
5313 nonnative or invasive plants, and shoreline stabilization, including the installation of
5314 large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions identified through
5315 biological assessments required by the National Marine Fisheries Services and applied to
5316 flood hazard mitigation projects may include shoreline modifications of vegetation,
5317 removal of nonnative or invasive plants, and shoreline stabilization, including the
5318 installation of large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions
5319 identified through biological assessments required by the National Marine Fisheries
5320 Services and applied to flood hazard mitigation projects may include shoreline
5321 modifications of vegetation, removal of nonnative or invasive plants, and shoreline
5322 stabilization, including the installation of large ~~((woody debris))~~ wood, dredging, and
5323 filling~~((;))~~;

5324 b. Within the ~~((a))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area, the county may grant relief
5325 from shoreline master program development standards and use regulations resulting from
5326 shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-
5327 215~~((;))~~;

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Commented [JN548]: Technical change for consistency with other sections

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~~e. A restoration and enhancement plan shall be prepared by an ecological professional. The plan shall include a critical functional analysis that evaluates the existing conditions and the post-project ecological and increase in functions to be achieved by the project.~~

Commented [JN549]: Redundant. This requirement is in K.C.C. 21A.24.

Commented [JN550]: Moved to subsection d. with edits.

~~dc. An applicant for a shoreline habitat and natural systems enhancement project shall demonstrate that the proposed project will provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area; and, If this requirement is satisfied, additional mitigation or restoration beyond the proposed habitat enhancement project itself may not be required. The applicant may be required to comply with the post-project monitoring and reporting conditions in K.C.C. 21A.24.130.~~

Commented [JN551]: Clarifying edits.

d. A restoration or enhancement plan shall include:

(1) an evaluation of the anticipated net change in ecological functions from pre-project to post-project; and

Commented [JN552]: Moved from above.

(2) a monitoring and reporting plan to demonstrate the gain of ecological function.

Commented [JN553]: Consistency edits with the same use in K.C.C. 21A.24.

8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

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SECTION ~~8299~~. Ordinance 16985, Section 46, as amended, and K.C.C.

21A.25.210 are hereby amended to read as follows:

A. The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the following:))~~

~~A.)) shall require a shoreline variance ((if)) if the proposed expansion ((will)):~~
~~1. ((#)) Results in a total cumulative expansion of the dwelling unit and accessory structures ((of)) by more than one thousand square feet ((a shoreline variance is required; and~~

~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed)):~~

~~2. Is within thirty-five feet of the ordinary high water mark; or~~
~~3. Is between thirty-five feet and fifty feet of the ordinary high water mark and the expansion extending towards the ordinary high water mark is greater than three hundred square feet.~~

SECTION ~~83100~~. Ordinance 11168, Section 3 as amended, and K.C.C.

21A.30.045 are hereby amended to read as follows:

A. ~~((To achieve the maximum density allowances using)) The livestock densities in K.C.C. 21A.30.040 may be achieved through a livestock management plan component of a farm management plan ((the)). A livestock management plan ((must meet the following criteria)) component shall:~~

1. ~~((The plan is)) Comply with the requirements of K.C.C. 21A.24.051 for farm management plans.~~

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Commented [JN554]: This is moved from K.C.C. 21A.24.045.D.7.e.

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Commented [JN555]: Streamlining and clarifying edits.

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Commented [JN556]: Clarifying edits.

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5373 2. Be developed as part of a program authorized or approved by King County.

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5374 Certified Washington state Department of Ecology nutrient management plans that are

5375 consistent with all of the criteria of this section may substitute for a livestock

5376 ~~((management component of a farm))~~ management plan component for commercial dairy

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5377 farms. Commercial dairy farms that do not have approved nutrient management plans

5378 ~~((must))~~ shall meet the requirements of K.C.C 21A.30.060;

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5379 ~~((2. The plan))~~ 3. ~~((i))~~ Include ~~((s))~~ site-specific best management ~~((measures))~~

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5380 practices for minimizing nonpoint pollution from agricultural activities and for managing

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5381 wetland ~~((and))~~, wetland buffers, aquatic areas, and riparian areas, including, but not

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5382 limited to:

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Commented [JN557]: Change to terminology to reflect use of BMPs.

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5383 a. livestock watering;

5384 b. grazing and pasture management;

5385 c. confinement area management;

5386 d. manure management; and

5387 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,

5388 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet

5389 meadows ~~((s))~~;

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5390 ~~((3. The plan is))~~ 4. Be implemented within a timeframe established in the plan

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5391 and maintained so that nonpoint pollution attributable to livestock-keeping is minimized;

5392 and

5393 ~~((4. A))~~ 5. Include a monitoring plan ~~((may be))~~, if required ~~((as part of the~~

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5394 livestock management component of a farm management plan), to demonstrate that there

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Commented [JN558]: Edits for consistency with other subsections in this list.

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is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat.

Monitoring results shall be made available to the King County agriculture program.

B. The livestock ~~((management component of a farm))~~ management plan

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component shall, at a minimum:

1.a. ~~((Generally s))~~ Seek to achieve a ~~((twenty-five foot buffer of))~~ Establish
forty-foot wide grazing area buffers with including diverse, mature vegetation between
grazing areas and ~~((the ordinary high water mark of all type S and F aquatic areas and))~~
critical areas as follows:

Commented [JN559]: B.1. is put into a list. Corresponding changes were made for readability.

Commented [JN560]: Streamlining of text. Subsection B.1.b. discusses allowances for varying widths.

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(1) forty feet from the ~~((wetland))~~ edge of a ~~((ny))~~ category I, II, or III
wetland, ((with the)) except((ion of)) grazed wet meadows ~~((using buffer averaging~~
~~where necessary to accommodate existing structures.))~~;

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(2) forty feet from a type S or F aquatic area;

(3) thirty-five foot wide grazing area buffer including diverse, mature
vegetation between grazing areas and feet from the ordinary high water mark of all type
N aquatic areas; and

(4) twenty foot wide grazing area feet buffer including diverse, mature
vegetation between grazing areas and from the wetland edge of any category IV
wetlands, other than except grazed wet meadows;

(5) no minimum from grazed wet meadows; and

Commented [JN561]: Grazed wet meadows do not have a grazing area buffer. Language added for clarity.

(6) the clearing of lands for new grazing areas shall not occur in wetlands,
wetland buffers, or riparian areas that contain predominantly native forest overstory,
shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area
widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

Commented [JN562]: The critical area alterations table in K.C.C. 21A.24.045 make reference to limiting/prohibiting clearing in forested areas; however, it may be difficult for an applicant to easily identify that provision. Language is added for clarity.

Commented [JN563]: Edits for consistency with K.C.C. 21A.30.060 and K.C.C. 21A.24.045 to prohibit the clearing for new grazing areas in critical areas with native forest vegetation.

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5418 b. The ~~((livestock management component of a farm management plan ((s))~~
5419 ~~may vary the~~) width of the grazing area buffer ~~((of an aquatic area or wetland))~~, and
5420 the time and duration of animal exclusion throughout the year ~~((, according to guidelines~~
5421 ~~agreed upon by King County and the King Conservation District)) may be modified~~
5422 ~~consistent with the public rule established to implement farm management plans~~. The
5423 ~~((guidelines)) public rule may ((support a)) allow for~~ different grazing area buffer widths
5424 based on both the nature of the farm operation and the function and sensitivity of the
5425 aquatic area or wetland.

5426 c. The livestock management plan ~~((must)) component shall~~ include best
5427 management practices that avoid having manure accumulate in or within ten feet of type
5428 ~~((N or)) O ((waters)) aquatic areas. ((Forested lands being cleared)) Clearing of lands for~~
5429 ~~grazing ((areas)) shall comply with the riparian area widths and critical area buffers and~~
5430 ~~all applicable regulations in K.C.C. chapter 21A.24))~~;

5431 2. ~~((Assure)) Ensure~~ that drainage ditches on the site do not channel animal
5432 waste to aquatic areas and wetlands;

5433 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature
5434 ~~vegetation beyond the grazing area buffers identified in subsection B.1. of this section~~
5435 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F, and N
5436 ~~((waters))~~, and N aquatic areas. This requirement may be waived for existing
5437 confinement areas on lots of two and one-half acres or less in size if:

5438 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation
5439 is achieved;

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Commented [JN564]: Streamlining of text.

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Commented [JN565]: Edits to reflect current practice. Modifications occur consistent with a public rule.

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Commented [JN566]: Consistency edits.

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Commented [JN567]: Moves this requirement up to the grazing area buffer section.

Commented [JN568]: Clarifying what the addition would be to.

Commented [JN569]: Consistency edits.

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5440 b. manure within the confinement area is removed daily during the winter
5441 season from October 15 to April 15, and stored in accordance with K.C.C.
5442 21A.30.060.D.; and

5443 c. additional best management practices ~~((as recommended by the King~~
5444 ~~Conservation District,)) in an approved farm management plan~~ are implemented ~~((,))~~ and
5445 maintained; and

5446 4. Include a schedule for implementation.

5447 C. Any deviation from the manure management standards ~~((must))~~ shall be
5448 addressed in ~~((a))~~ the livestock ~~((management component of a farm))~~ management plan
5449 ~~component.~~

5450 D. ~~((A copy of the final plans shall be submitted to the department of natural~~
5451 ~~resources and parks within sixty days of completion.~~

5452 E. ~~The farm management plan approved by the department of natural resources~~
5453 ~~and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040~~
5454 ~~and 20.22.080. Appeals may be filed only by the property owner or four members of the~~
5455 ~~King County agriculture commission. Any farm management plan not appealed shall~~
5456 ~~constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.~~
5457 ~~9.12.035.))~~

5458 ~~F. Properties operating subject to an existing livestock management farm plan~~
5459 ~~component developed~~ based on the standards in effect before the effective date of this
5460 ordinance shall be deemed to have satisfied the standards of this section.

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Commented [EA571]: Removes special submittal requirement required for livestock component. Submittal requirements would follow the underlying permit.

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Commented [JN572]: Removes special appeal process for farm management plans. Appeal would follow the underlying permit.

Redline provided for illustrative purposes only

E. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

Commented [JN573]: Clarifies measurement method for widths identified in this section.

SECTION 84101. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:

~~((Property owners with farms containing either large))~~ A. The livestock ~~((at))~~ densities ~~((greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a ((n livestock)) identified in K.C.C. 21A.30.040 without a farm management plan ((if the owners adhere)) are subject to ((the management standards in subsections A. through G. of)) this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.~~

Commented [JN574]: Edits to this section for streamlining, clarity, and removal of duplicative language.

Removes references to property owners and farms to address other instances of farming (lease or non-commercial animal-keeping)

Removes references to minimum animal units. K.C.C. 21A.30.040 indicates when a farm management plan or this section applies, as well as provides allowances for properties with a smaller number of animals than those indicated in this section.

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~~((A.))~~ B. To minimize livestock access to aquatic areas, property owners shall utilize the following for livestock watering ~~((options))~~:

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1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from ~~((the))~~ aquatic areas so that livestock are not required to enter aquatic areas for their water supply.

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2.a. Livestock access to type S~~((and))~~, F, and N ~~((waters ((including their buffers)), and N aquatic areas and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.~~

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5483 ~~((a-))~~ b. Fencing shall be used as necessary to prevent livestock access to type

5484 S ~~((and))~~, F ~~and N~~ ~~((waters))~~, and N aquatic areas.

5485 ~~((b-))~~ c. Bridges may be used ~~((in accordance with K.C.C. chapter 21A.24, in~~

5486 ~~lieu of))~~ in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and

5487 abutments shall not be placed within the ordinary high water mark or top-of-bank,

5488 whichever is greater. Bridges shall be designed to allow free flow of flood waters and

5489 shall not diminish flood carrying capacity. These bridges may be placed without a

5490 ~~((county))~~ building permit, but the permit waiver shall not constitute any assumption of

5491 liability by the county with regard to such bridge or its placement. The waiver of ~~a~~

5492 ~~((county))~~ building permit ~~((requirements))~~ does not constitute a waiver from other

5493 required agency permits.

5494 ~~((B-))~~ C.1. Existing grazing areas without a farm management plan and not

5495 addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative))~~ grazing area buffer

5496 ~~((of))~~ as follows:

5497 a. ~~fifty feet~~ fifty foot wide grazing area buffer from the ~~((wetland))~~ edge of a

5498 category I, II, ~~((or))~~, III, or IV wetland, except ~~((those wetlands meeting the definition~~

5499 ~~of))~~ grazed wet meadows ~~((, or the ordinary high water mark of))~~;

5500 - b. ~~fifty feet from~~ a type S ~~((or))~~, F, or N ~~((water))~~, or N aquatic area; and

5501 c. ~~a twenty-five foot wide grazing area buffer feet~~ from the edge of a category

5502 IV wetland, except ~~those wetlands meeting the definition of~~ grazed wet meadows; and

5503 d. no minimum from grazed wet meadows.

5504 2. ~~((Forested))~~ The clearing of ~~land~~ ~~((being cleared))~~ for new grazing areas

5505 shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly

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Commented [JN578]: Clarifies what "not addressed by K.C.C. chapter 21A.24" is intended to cover.

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Commented [JN580]: Grazed wet meadows do not have a grazing area buffer. Language added for clarity.

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native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian area widths, and critical area buffers, and the associated applicable regulations in K.C.C. chapter 21A.24.

Commented [JN581]: Edits to clarify forested lands. Mirrors language in the critical area alterations table (see condition 54) in K.C.C. 21A.24.045.

3. ~~((The grazing area buffer may be reduced to twenty five feet where a twenty five foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((forested)) lands are being cleared for grazing areas.~~

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4.) Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock.

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~~((5.))~~ 4. Fencing installed in accordance with the ~~((1990 Sensitive Area Ordinance before February 14, 1994))~~ standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.~~((1. and 2.))~~ of this section shall be deemed to constitute compliance with those requirements.

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~~((6.))~~ 5. Grazing areas within two hundred feet of a wetland or type S~~((or))~~, F~~((or N ((water or category I, II ((or)) III, or IV wetland)), or N aquatic area~~ shall not be plowed during the rainy season from October 1 through April 30.

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Commented [JN583]: Category I, II, III, and IV is simplified to "wetland" and corresponding edits were made for clarity.

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~~((7.))~~ 6. Grazing areas may extend to the property line, provided that wetlands and type S~~((or))~~, F~~((or N ((waters and category I, II ((and)) III, or IV wetlands)), or N aquatic areas~~ that are located adjacent to the property line are ~~((buffered))~~ protected in accordance with subsection ~~((B.1., 2., or 3.))~~ C. of this section.

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Commented [JN585]: Edits to reflect the deletion of B.3, above, and renumbering of this section.

~~((C.))~~ D.1. In addition to the grazing area buffers in subsection ~~((B.((1. and 2.))~~ C. of this section, confinement areas located within two hundred feet of any wetland, except grazed wet meadows, or type S~~((or))~~, F~~((or N ((waters or category I, II ((or)) III, or IV wetlands with the exception of grazed wet meadows))~~ or N aquatic areas shall:

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5529 a. have a twenty-foot-wide vegetative filter strip downhill from the
5530 confinement area, consisting of heavy grasses or other ground cover with high stem
5531 density and that may also include tree cover;

5532 b. not be located in ~~((the buffer of))~~ a wetland buffer or a riparian area adjacent
5533 ~~to of a ((any)) type S((or)), F, or N ((water or any wetland buffer required by the critical~~
5534 ~~areas ordinance)), or N aquatic area~~ in effect at the time the confinement area is built, or
5535 within fifty feet of ~~((the))~~ a wetland ~~((edge of any category I, II ((or)), III, or IV wetland~~
5536 ~~or ((the ordinary high water mark of any)) type S((or)), F, or N ((water)), or N aquatic~~
5537 ~~area~~. Fencing shall be used to establish and maintain the wetland buffer ~~((except where~~
5538 ~~existing natural vegetation is sufficient to exclude)) or riparian area unless the area is~~
5539 ~~otherwise impenetrable to livestock ((from the buffer((. Existing confinement areas that~~
5540 ~~do not meet these requirements shall be modified as necessary to provide the buffers~~
5541 ~~specified in this section within five years of January 1, 2005, though the footprint of~~
5542 ~~existing buildings need not be so modified))~~); and

5543 c. have roof drains of any buildings in the confinement area diverted away
5544 from the confinement area.

5545 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and
5546 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~
5547 subsection C. of this section.

5548 ~~((D.))~~ E.1. Manure storage areas shall be managed as follows:

5549 a. Surface flows and roof runoff shall be diverted away from manure storage
5550 areas;

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b. All manure stockpiled within two hundred feet uphill of ~~((any the ordinary high water mark of))~~ a wetland or type S ~~((or))~~, F, or N ~~((water or the edge of a category I, II, ((or)), III, or IV wetland))~~, or N aquatic area shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; and

c. (1) Manure shall not be stored in a ~~((ny ((aquatic area buffer))~~) riparian area or wetland buffer, with the exception of grazed ~~((or tilled))~~ wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

- ~~((1))~~ (a) any wetland edge excluding grazed ~~((or tilled))~~ wet meadows;
- ~~((2))~~ (b) the ordinary high water mark of any aquatic area; or
- ~~((3))~~ (c) any ditch to which the topography would generally direct runoff from the manure ~~((; and))~~.

~~((d))~~ (3) The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

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Commented [JN593]: Drafting correction and consistency edits.

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5574 ~~((F.))~~F. For purposes of this section, "buffer maintenance" means allowing
5575 vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a
5576 filter for storm~~((G.))~~water entering the aquatic area, other than noxious weeds, to grow to
5577 its mature height, though grasses in the buffer may be mowed but not grazed. Grading in
5578 the buffer is allowed only for establishment of watering and crossing points, or for other
5579 activities ~~((permitted))~~ in accordance with K.C.C. chapter 21A.24, with the appropriate
5580 permits.

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5581 ~~((F.))~~G. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at
5582 distances other than those specified in these standards, and for which livestock
5583 management farm plans have been developed based on the existing fencing locations,
5584 shall be deemed to be in compliance with the fencing requirements of these standards~~((-~~
5585 ~~Properties with or without a livestock management component of a farm management~~
5586 ~~plan that complied with the fencing requirements in effect before January 1, 2005, shall~~
5587 ~~have five years from January 1, 2005, to meet the fencing requirements for aquatic areas~~
5588 ~~that were exempt from fencing under ordinances in effect before January 1, 2005))~~,

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5589 ~~provided but only if~~ approved fencing is present for ~~all~~ type S and F aquatic areas.

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5590 ~~((G.))~~H. Buffer areas shall not be subject to public access, use, or dedication by
5591 reason of the establishment of such buffers.

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5592 I. For the purposes of this section, in aquatic areas and riparian areas, distances
5593 shall be measured from the ordinary high water mark of the adjacent aquatic area or from
5594 the top of the bank if the ordinary high water mark cannot be identified.

Commented [JN597]: Clarifies measurement method for widths identified in this section.

5595 SECTION 85102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are
5596 hereby amended to read as follows:

Redline provided for illustrative purposes only

5597 A. A person who alters a critical area or buffer in violation of law shall undertake
5598 corrective work in compliance with this chapter and K.C.C. (~~(chapter 23.08)~~) Title 23.

5599 When feasible, corrective work shall include restoration of the critical area and associated
5600 buffer. Corrective work shall be subject to all permits or approvals required for the type
5601 of work undertaken. In addition, the violator shall be subject to all fees associated with
5602 investigation of the violation and the need for corrective work.

5603 B. When a wetland or buffer is altered in violation of this title, restoration of the
5604 wetland and associated buffer shall comply with the restoration standards in K.C.C.
5605 21A.24.340.

5606 C. When an aquatic area or (~~(buffer)~~) riparian area is altered in violation of this
5607 title, restoration of the (~~(stream and buffer)~~) aquatic area or riparian area shall comply
5608 with the restoration standards in K.C.C. 21A.24.380.

5609 D. All corrective work shall be completed within the time specified in the
5610 corrective work plan, but in no case later than one year from the date the corrective work
5611 plan is approved by the department, unless the director authorizes a longer period. The
5612 violator shall notify the department when restoration measures are installed and
5613 monitoring is commenced.

5614 E. Any failure to satisfy corrective work requirements established by law or
5615 condition including, but not limited to, the failure to provide a monitoring report within
5616 thirty days after it is due or comply with other provisions of an approved corrective work
5617 plan shall constitute a default, and the department may demand payment of any financial
5618 guarantees or require other action authorized by K.C.C. Title 27A or other applicable
5619 law.

Commented [JN598]: Consistency edits.

Commented [JN599]: Consistency edits.

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F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130 are hereby amended to read as follows:

Fees for critical areas review, critical area designation, critical area alteration, flood hazard certification and variances for floodplain development, or sea level rise risk area shall be charged as follows:

A. Critical areas review

1. Critical area notice on title only	\$423.00
2. Nonresidential review, basic, per discipline	\$2,327.00
3. Nonresidential review, complex, per discipline	\$3,813.00
4. Stewardship planning	\$3,390.00

B. Critical areas designations

1. Minimum fee per application

a. For sites less than 1 acres	\$1,438.00
b. For sites between 1 and 10 acres	\$TBD
c. For sites over 10 acres	\$TBD

2. Fee per discipline if the parcel or parcels for which designations are requested have one or more critical area, excepting critical aquifer recharge, seismic hazard, or erosion hazard area	\$1,061.00
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3. Fee for resubmittal of critical area study, per discipline	\$1,061.00
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C. Critical area alteration exception

1. Review, per discipline	\$9,323.00
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Commented [JN600]: Establishes fees for critical area designations based on site, with placeholder fees for sites between 1 and 10 acres and over 10 acres.

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5643	2. Base fee	\$3,390.00
5644	3. Extension of approval	\$1,906.00
5645	4. If applications for a shoreline permit and critical area alteration	
5646	exception are reviewed concurrently, the critical area alteration	
5647	exception application shall be charged fifty percent of the fees	
5648	required by this section.	
5649	D. Floodplain development: flood hazard certificate review	
5650	1. Section A	\$423.00
5651	2. Section B.1, FEMA floodway	\$284.00
5652	3. Section B.2	\$853.00
5653	E. Floodplain development inspection	\$635.00
5654	F. Floodplain development review: floodway and channel migration zone	
5655	1. Screening and verification	\$423.00
5656	2. Review of a request for FEMA floodway letter-of-map-amendment	
5657	shall be charged at actual cost to the department including	
5658	consultant costs, administrative costs and cost of review by other	
5659	county departments and governmental agencies.	
5660	G. Floodplain development review: mapped floodplain	\$212.00
5661	H. Floodplain development review: unmapped floodplain	
5662	1. Qualitative floodplain study	\$212.00
5663	2. Minor floodplain study	\$284.00
5664	3. Major floodplain study	\$853.00

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I. Review of variances for development in a floodplain or sea level rise risk area or for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be charged at actual cost to the department including consultant costs, administrative costs, and cost of review by other county departments and governmental agencies.

SECTION ~~86~~104. The following are hereby repealed:

A. ~~Ordinance 15051, Section 67, and K.C.C. 21A.06.628;~~

B. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

~~BC.~~ Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

~~CD.~~ Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;

~~DE.~~ Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;

~~EF.~~ Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;

~~FG.~~ Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and

~~GH.~~ Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

~~SECTION 105.~~ By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION ~~89~~106. The executive shall submit sections ~~49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B.~~41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69~~83,~~

Commented [JN601]: Repeals definition of impoundment. See definition of aquatic area.

Commented [JN602]: To address aquifer vulnerability designation in the critical aquifer recharge area maps.

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~~70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86~~ of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION ~~90~~107. Sections ~~49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B.~~~~91, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86~~ of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION ~~94~~108. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment A, 2025 Update to 2024 King County Comprehensive Plan, dated August 2025. The clerk of the council is instructed to engross changes from any adopted amendments and correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

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EFFECT prepared by J. Ngo: Striking Amendment S1 would make the following changes:

General Changes

1. Updates various terminology for consistency and streamlines code language.
2. Addresses technical corrections, clarifying edits, drafting errors, code reviser notes, and engrosses changes from other ordinances.
3. Adds a cross reference to K.C.C. 21A.50.035 and K.C.C. Title 23 for violations in critical areas.
4. Removes a finding that identifies various county code sections as protection for critical aquifer recharge areas. No code sections are removed as part of this change.
5. Where required, clarifies that farm management plans must be approved.
6. Where applicable, clarifies that best management practices for farm management plans are required only for those applicable to the activity.

Clearing and Grading Exemptions (K.C.C. chapter 16.82)

7. Clearing: eliminates a clearing and grading permit exemption in wetlands, wetland buffers, aquatic areas, riparian areas and severe channel migration hazard areas. (Conditions 4, 23)
8. Emergency tree removal: limits the permit exemption in areas outside of critical areas to those to prevent imminent danger to person or structures (Condition 6)
9. Drilling and testing for critical area reports or monitoring and data collection: in critical areas, limits the permit exemption to only those done with hand equipment, minimal grading, no clearing, and equipment is removed when work is completed (Conditions 1, 2, 22)
10. Farm field access drives: limits the permit exemption to properties in the A zone, Agricultural Production District, or Farmland Preservation Program, has an approved farm management plan, meet applicable best management practices in an approved farm plan, creates less than 2,000 sf of new impervious surface, access is less than 14 feet wide, there is no other alternative location with less impacts to critical areas and associated buffers is available, complies with the farmland dispersion requirements in the King County Surface Water Design Manual, is sited in an area least subject to channel migration, obtains a floodplain development permit and state and federal permits when required.
11. Where required, clarifies that farm management plans are to be approved.

Shoreline Master Program (K.C.C. chapter 20.12.200)

12. Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program.
13. Changes the effective date to the date of the ordinance.

Public Benefit Rating System (PBRs) (K.C.C. 20.36.100)

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14. Under farm and agricultural conservation land, requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
15. Lowers the threshold for the rural open space category from a 10-acre contiguous open space area minimum to 5 acres.

State Environmental Policy Act (SEPA) (K.C.C. 20.44.040)

16. Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.
17. Clarifies the thresholds are up to a certain number (for example, “up to” twenty dwelling units), rather than exactly a certain number.
18. Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
19. Exempts any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law.
20. Lowers the SEPA exemption for code violations in steep slope, landslide, or alluvial fan hazard areas from 500 cubic yards to the standard exemption of 100 cubic yards.

Definitions (K.C.C. chapter 21A.06)

21. Agricultural products: removes specific tree types in the list of agricultural products
22. Aquatic areas: streamlines the definition of aquatic areas, integrates the definition of “impoundments” into this definition.
23. Aquatic area functions: adds a new definition and examples.
24. Buffer: reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
25. Commercial production of agricultural products: Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.
26. Critical aquifer recharge area: modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
27. Farm field access drives: removes regulatory language from the transmittal that limits farm field access drives to properties in the A zone, Agricultural Production District, or Farmland Preservation Program.
28. Fish habitat: broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises the examples of fish habitat.
29. Hazard tree: removes language that a parking area, road, or utility facility within striking distance of a structurally deficient tree must be approved to qualify.
30. Landslide hazard area: revises language that a landslide hazard area includes areas located on alluvial fan that is susceptible to episodic inundation, sedimentation, and erosional impacts.

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- 5800 31. Impoundments: repeals this definition and incorporates language into the
5801 definition of aquatic areas.
5802 32. Mitigation: modifies the definition of mitigation to state that it is an action to
5803 compensate for unavoidable impacts after avoidance and mitigation sequencing is
5804 applied.
5805 33. Notice of map amendment: identifies which maps are adopted and can be
5806 modified through a notice of map amendment.
5807 34. Revegetation: revises the definition of climate-adaptive plants as plant species
5808 identified by DNRP as current or formerly native to the surround ecoregion and
5809 that are predicted to maintain their abundance under climate change.
5810 35. Riparian area: identifies that riparian areas protect the functions and values of
5811 aquatic areas.
5812 36. Tsunami hazard area: updates the Washington Geological Survey to the current
5813 available edition and names the areas on the map.
5814 37. Wetlands: corrects a past code revising error.
5815 38. Wetland values: adds language describing wetland values as estimates of the
5816 worth, merit, quality, or importance of wetlands, identifies that values vary by
5817 watershed or community, and provides examples.
5818 39. Wildlife lighting: clarifies that it is exterior lighting, rather than applied measures
5819 to the exterior lighting, that are designed and installed to reduce impacts to
5820 wildlife.
5821

5822 Purpose (K.C.C. 21A.24.010)

- 5823 40. Clarifies that avoidance and mitigation sequencing includes mitigation of impacts.
5824 41. Clarifies that no net loss, rather than preventing overall loss, is the measure for
5825 wetlands, aquatic areas, and riparian area functions and values.
5826 42. Adds a purpose statement for providing clear and objective development
5827 standards, application requirements, and review processes for the administration
5828 of critical areas protections.
5829

5830 Applicability (K.C.C. 21A.24.020)

- 5831 43. Removes proposed language that if an area or site contains more than one critical
5832 area or natural resource land designation, all designations apply. All designations
5833 on a site would still apply, consistent with chapter K.C.C. 21A.24 and state law.
5834

5835 Critical Area Alteration (K.C.C. 21A.24.045)

- 5836 44. Adds moderate channel migration hazard areas as a critical area where all
5837 alterations are allowed, with conditions.
5838 45. Provides additional instruction on how to interpret the critical area alteration
5839 table.
5840 46. Renumbering of certain conditions:
5841 a. Condition 64 is renumbered to Condition 2
5842 b. Condition 60 is renumbered to Condition 29
5843 c. Condition 57 is renumbered to Condition 56
5844 d. Condition 58 is renumbered to Condition 57
5845 e. Condition 69 is renumbered to Condition 58

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- 5846 f. Condition 29 is renumbered to Condition 59
- 5847 g. Condition 3 is renumbered to Condition 60
- 5848 h. Condition 59 is renumbered to Condition 64
- 5849 47. Consolidation of certain conditions:
- 5850 a. Conditions 11 and 12 are consolidated into Condition 10
- 5851 b. Condition 23 is consolidated into Condition 58 (which is renumbered to
- 5852 condition 57)
- 5853 c. Condition 52 is consolidated into Condition 51
- 5854 d. Condition 56 is consolidated into Condition 55
- 5855 48. Repeal of certain conditions: Condition 11, 12, 23, 52, 59.
- 5856 49. Remove proposed condition 70.
- 5857 50. Maintenance or repair of existing structures:
- 5858 a. Applies Condition 6 in severe channel migration hazard areas and alluvial
- 5859 fan hazard areas. This condition would limit existing primary structures to
- 5860 no increase in the footprint and would not constitute substantial
- 5861 improvement, and limit accessory structures to a 1,000 square foot
- 5862 addition and no expansion towards an alluvial fan or channel migration
- 5863 hazard.
- 5864 51. Expansion or replacement of existing structure: Splits this alteration in two, with
- 5865 the following:
- 5866 a. Expansion of existing structures:
- 5867
 - 5868 ■ Prohibits this alteration in a landslide hazard area or steep slope
 - 5869 hazard area (no change from existing code)
 - 5870 ■ Allows this alteration in severe channel migration hazard areas and
 - 5871 alluvial fan hazard areas with limitations under Condition 6 (see
 - 5872 above for description).
 - 5873 ■ Allows this alteration in a wetland, wetland buffer, aquatic area,
 - 5874 riparian area, wildlife habitat network, and wildlife habitat
 - 5875 conservation area, subject to Condition 7. Condition 7 is modified
 - 5876 so the alteration must be on an existing impervious surface, lawn
 - 5877 or landscaping area, farm field, or grazed area with limitations on
 - 5878 original establishment, location, revegetation and/or footprint
 - 5879 expansion.
- 5880 b. Replacement of existing structures:
- 5881
 - 5882 ■ Allows this alteration in a landslide hazard area or steep slope
 - 5883 hazard area for existing legally established structures in areas
 - 5884 where the hazard poses little to no risk of injury, and the risk of
 - 5885 landsliding or slope instability is low under Condition 5.
 - 5886 ■ Allows this alteration in a wetland, wetland buffer, aquatic area,
 - 5887 riparian area, wildlife habitat network, and wildlife habitat
 - 5888 conservation area, subject to Condition 8. Condition 8 is modified
 - 5889 so the alteration is within an existing footprint or has the least
 - 5890 impact on the critical area, does not expand the total footprint of all
 - 5891 structures and impervious surfaces, is on an existing impervious
 - surface, lawn or landscaping area, farm field, or grazed area, and
 - includes revegetation.

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52. Construction/maintenance/repair of a pier or dock:
- a. Allows this alteration in a Category II, III, or IV wetland or wetland buffer, subject to Condition 9. Condition 9 is clarified to state that the alteration is only to provide access to an aquatic area and to remove a condition specific only to aquatic areas.
 - b. Allows this alteration in an aquatic area or riparian area, subject to Condition 10. Condition 10 is modified prohibit the alteration in a salmonid spawning area and requires compliance with K.C.C. 21A.25.180 in type S or F aquatic areas.
53. Grading: allows grading in critical areas when addressing an emergency in an alluvial fan hazard area, subject to Condition 14.
54. Cutting of firewood: prohibits cutting of firewood in severe channel migration hazard area, aquatic area, riparian area, wetland, and wetland buffer. Reverts back to limiting the cutting of firewood for only personal use.
55. New road in unimproved right-of-way: prohibits new roads in unimproved right-of-way as allowed alteration.
56. Horticulture activities, grazing of livestock, and commercial fish farms:
- a. For existing activities, adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing (Condition 53).
 - b. Allows for the conversion of existing land to other agricultural products, expansion of existing activities and establishment of new agricultural activities on sites where the primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants (Condition 54).
57. Livestock manure storage facility, livestock heavy use area, farm pads: allowed if associated with a horticulture or livestock grazing activity, in an existing grazed, tilled or impervious area, consistent with a farm management plan, subject to conditions, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants.
58. Nonresidential buildings: allows nonresidential buildings only on sites where the primary use of the site is one that qualifies as horticulture or grazing livestock activities, subject to other conditions.
59. Farm field access drives: allows farm field access drives on sites with horticulture or grazing livestock activity, complies with the Surface Water Design Manual, and subject to other conditions.

Agricultural activities development standards (K.C.C. 21A.24.051)

60. Establishes criteria for proof of agricultural activities or commercial production of agricultural products, including 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation. These criteria would only

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- 5937 apply to the critical area regulations, not other parts of the Code where
5938 agricultural activities are regulated.
- 5939 61. Requires modifications to farm management plans if impacts to critical areas or
5940 associated buffers are identified with monitoring.
- 5941 62. Clarifies that farm management plans are not effective for the purposes of critical
5942 areas until approved by the County.
- 5943 63. Deletes language that a property owner or applicant may develop a farm
5944 management plan as part of a program offered or approved by King County.
5945
- 5946 Public Rules for Farm Management Plans (K.C.C. 21A.24.061)
- 5947 64. Adds requirements and procedures for adopting a public rule for farm
5948 management plans, including an adoption deadline of December 31, 2026.
5949
- 5950 Critical area alteration exceptions/reasonable use exceptions (K.C.C. 21A.24.070)
- 5951 65. Splits critical area alteration exceptions into public agency/utility exceptions and
5952 private development exceptions.
- 5953 66. Clarifies that all exceptions in the shoreline jurisdictions are processed as
5954 shoreline variances.
- 5955 67. Expands the prohibition of critical area alteration exceptions from salmonid
5956 habitat to fish habitat.
- 5957 68. Removes language that an applicant can apply for a reasonable use exception
5958 without first having to apply for an alteration exception if relief from development
5959 standards are requested.
5960
- 5961 Disclosure (K.C.C. 21A.24.090)
- 5962 69. Removes the requirement for an applicant to disclose whether they have been
5963 found in violation of K.C.C. chapter 21A.24 for any property in King County.
5964
- 5965 Critical Area Designations (K.C.C. 21A.24.500)
- 5966 70. Reverts critical area designations from a parcel to a site.
- 5967 71. Removes review timelines, which are superseded by K.C.C. Title 20.
- 5968 72. Specifies which adopted maps that may modify the effectiveness of a critical area
5969 designation.
5970
- 5971 Critical Area Review (K.C.C. 21A.24.100)
- 5972 73. Development that does not involve site disturbance, clearing, or grading and only
5973 requires a permit or approval in K.C.C. chapters 16.04 or 17.04 in alluvial fans
5974 are not exempt from critical area review.
5975
- 5976 Critical Area Reports (K.C.C. 21A.24.110 and Sections 58 and 59)
- 5977 74. Clarifies that the critical area report requirements may be modified or limited in
5978 scope as determined by the Department of Local Services.
- 5979 75. Identifies what type of critical area report, geological or ecological, applies to
5980 each critical area.
- 5981 76. Adds a requirement for a field investigation and examples of types of
5982 documentation in a geological assessment for a geological critical area report.

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77. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
78. Revises requirements for an ecological critical area report, such as monitoring plans and site plans.

Critical Area Mitigation (K.C.C. 21A.24.125 and K.C.C. 21A.24.130)

79. Updates avoidance and mitigation sequencing to match state law.
80. Prioritizes, instead of requires, mitigation to occur on-site.
81. When monitoring identifies deficiencies in predicted impact or a failure in mitigation, requires an extension of the monitoring period by at least 2 years
82. Requires all development proposals, rather than only access for developments, to minimize impacts and comply with avoidance and mitigation sequencing.

Revegetation (Section 63)

83. Changes terminology of “climate-smart plants” to “climate-adaptive plants”
84. Establishes a new section for revegetation requirements in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary.
85. Allows modification to planting plans based on site-specific conditions.
86. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.

Notice on Title (K.C.C. 21A.24.170)

87. Adds buffer reductions to the notice on title.
88. Clarifies that a notice on title may be removed or amended as part of a critical area designation or a critical areas map update including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, or flood hazard areas.

Critical Area Setbacks (K.C.C. 21A.24.200)

89. Reduces the critical area setback from 15 feet to 10 feet.
90. Removes a proposed 18” height limitation for uncovered decks in critical area setbacks.

Channel Migration Zones (K.C.C. 21A.24.275)

91. Clarifies that new primary dwelling units, accessory dwelling units or living quarters, and required infrastructure are allowed if located on a legally established lot in existence on or before February 16, 1995.

Geologically Hazardous Areas

Landslide and Steep Slope Hazard Areas (K.C.C. 21A.24.280 and K.C.C. 21A.24.310)

92. Requires alterations on slopes greater than 40% to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.

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- 6029 93. Adds a factor of safety requirement for slope stability for landslide hazard areas
6030 and steep slope hazard areas.
6031 94. Requires alterations to comply with a geological critical area report.
6032 95. Recodifies K.C.C. 21A.24.310.
6033
6034 Alluvial Fan Hazard Areas (Section 72)
6035 96. Allows for buffers from alluvial fan hazard areas if needed.
6036 97. Requires alterations in alluvial fans to minimize risk of inundation, sedimentation,
6037 channel migration, or erosion on adjacent properties.
6038 98. Prohibits vegetation removal from an alluvial fan hazard area or associated buffer
6039 except as part of an allowed alteration.
6040 99. Requires alterations to minimize disturbance to alluvial fan hazard area, slope,
6041 and vegetation unless necessary for slope stabilization.
6042
6043 Critical Aquifer Recharge Areas (K.C.C. 21A.24.316)
6044 100. Updates mining to mineral extraction to reflect land uses in K.C.C. chapter
6045 21A.08.
6046 101. Requires a property owner to implement all recommended measures to prevent
6047 saltwater intrusion into a well.
6048 102. Adds a requirement to transmit updated critical aquifer recharge area maps by
6049 December 31, 2027.
6050
6051 Wetlands (K.C.C. 21A.24.335, 340, 342)
6052 103. Reclassifies moderate-intensity active recreation or open space and passive
6053 recreation inside the Urban Growth Area as moderate and low impact land uses,
6054 respectively.
6055 104. When buffer averaging is proposed, requires revegetation where native vegetation
6056 does not current exist and requires no net loss of wetland functions and values.
6057 105. Requires all wetland complexes inside the Urban Growth Area to include a
6058 corridor if buffers do not connect.
6059 106. Allows mixed-use, daycares, and social services within the Urban Growth Area,
6060 which have a high intensity impact designation, to be lowered to moderate
6061 impacts if certain conditions are met. Revises the measure to require revegetation
6062 along the edge of the buffer and where existing vegetation is sparse and requires
6063 noise-generating activities to be sited away from the wetland.
6064 107. Increases the wetland reestablishment or creation (R/C) and wetland enhancement
6065 (E) ratio for Category I forested wetlands from 1:1 R/C and 16:1 E to 1:1 R/C and
6066 20:1 E consistent with Department of Ecology guidance.
6067 108. Increases the rehabilitation ratio for permanent conversion of Category I forested
6068 and shrub wetlands into emergent wetlands from 4.5:1 to 6:1.
6069
6070 Aquatic Areas and Riparian Areas (K.C.C. 21A.24.355, .358, .365, .380)
6071 109. Revises the typing for aquatic areas to match the state water typing system in
6072 WAC 222-16-030.
6073 110. Standardizes the riparian area width for all Type S and F riparian areas in the
6074 Urban Growth Area to 180 feet.

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- 6075 111. Requires revegetation where native vegetation does not current exist when buffer
- 6076 averaging is proposed.
- 6077 112. Prohibits clearing and other site disturbances from May 1 to October 1 in aquatic
- 6078 areas or riparian areas. Allows modifications or restrictions when required by a
- 6079 state or federal period.
- 6080 113. Requires projects to minimize the potential for recreational hazards when large
- 6081 wood is proposed in a Type S aquatic area.
- 6082 114. Requires mitigation plans to include native or climate-adaptive plant species
- 6083 comparable to a nearby relatively undisturbed riparian area.
- 6084 115. Requires mitigation for riparian areas to include restoration or creation.
- 6085 116. For alternative mitigation ratios:
- 6086 a. Increases the ratio for Type S, F, or N riparian areas with impacts to non-
- 6087 woody vegetation or unvegetated areas from 1:1 to 1.5:1.
- 6088 b. Increases the ratio for Type O riparian areas with impacts to woody
- 6089 vegetation.
- 6090 c. Allows primary actions in lieu of secondary actions where impacts occur
- 6091 to non-woody vegetation or unvegetated areas
- 6092 d. Revises a secondary action for replanting a riparian area addition to
- 6093 adding more riparian area with replanting.
- 6094 e. Adds a secondary action option for removal of a fish passage barrier that
- 6095 is required as part of a development permit.
- 6096 117. Revises the mitigation ratio for illegal alterations to 3:1.
- 6097

6098 Wildlife Habitat Networks (K.C.C. 21A.24.385)

- 6099 118. Removes references to urban planned developments and fully contained
- 6100 communities.
- 6101

6102 Grazing livestock (K.C.C. 21A.30)

- 6103 119. For sites with farm management plans:
- 6104 a. Requires the livestock management component to comply with the farm
- 6105 management plan requirements in K.C.C. 21A.24.051.
- 6106 b. Clarifies that grazed wet meadows have no grazing area buffer.
- 6107 c. Clarifies that grazing area buffers may be modified consistent with the
- 6108 farm management plan public rule.
- 6109 d. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers,
- 6110 or riparian areas with predominantly native cover.
- 6111 e. Clarifies that clearing of land for new grazing areas must comply with
- 6112 critical area widths or buffer widths.
- 6113 f. Removes special requirements to submit a final farm management plan
- 6114 with a livestock component to the County.
- 6115 g. Removes a hearing examiner appeal process of farm management plans to
- 6116 reflect current practice.
- 6117 h. Identifies measurement methods for grazing area widths.
- 6118 120. For sites without farm management plan:
- 6119 a. Revisions to the section to be applicable to any site with livestock without
- 6120 a farm management plan;

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- 6121 b. Removes a 50-foot grazing area buffer for Category IV wetland and
- 6122 maintains the 25-foot grazing area buffer.
- 6123 c. Clarifies that grazed wet meadows have no grazing area buffer.
- 6124 d. Removes a 25-foot grazing area buffer reduction where there is existing
- 6125 diverse, mature vegetation.
- 6126 e. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers,
- 6127 or riparian areas with predominantly native cover.
- 6128 f. Removes an allowance for manure storage on tilled wet meadows.
- 6129 g. Identifies measurement methods for grazing area widths.

6130

6131 Development Permit Fees (K.C.C. 27.10.130)

- 6132 121. Modifies fees for critical area designations based on site size.

6133

6134 Comprehensive Plan (Attachment A)

- 6135 122. In Chapter 3, adds a policy exploring implementation of a Voluntary Stewardship
- 6136 Program within the Snoqualmie Valley Agricultural Production District.
- 6137 123. In Chapter 5, adds a policy recognizing Indigenous Knowledge as an important
- 6138 aspect in developing rules, regulations, projects, and programs for the protection
- 6139 of critical areas.
- 6140 124. In Chapter 5, adds lead-in text regarding supporting critical area protections and
- 6141 the long-term viability of agriculture and Voluntary Stewardship Programs. Adds
- 6142 a policy on exploring adaptive management techniques within or adjacent to
- 6143 agricultural activities, such as enrollment through the Voluntary Stewardship
- 6144 Program, collection of data, engagement with Indian tribes, the King
- 6145 Conservation District, farmers, and other interested parties.
- 6146 125. In Chapter 5, adds a policy on consideration of species and habitats of cultural
- 6147 importance to Indian tribes in planning, development review, and capital projects.
- 6148 126. In the Glossary, modifies the definition of habitat, wetland functions and wetland
- 6149 values for consistency with K.C.C. chapter 21A.06.