



**Signature Report**

**Ordinance**

**Proposed No.** 2024-0408.1

**Sponsors** Perry

1 AN ORDINANCE related to critical area regulations;  
2 amending the King County Comprehensive Plan; and  
3 amending Ordinance 15053, Section 3, as amended, and  
4 K.C.C. 16.82.051, Ordinance 3692, Section 2, as amended,  
5 and K.C.C. 20.12.200, Ordinance 10511, Section 7, as  
6 amended, and K.C.C. 20.36.100, Ordinance 6949, Section  
7 6, as amended, and K.C.C. 20.44.040, Ordinance 15051,  
8 Section 7, as amended, and K.C.C. 21A.06.072C,  
9 Ordinance 10870, Section 70, as amended, and K.C.C.  
10 21A.06.122, Ordinance 10870, Section 80, as amended,  
11 and K.C.C. 21A.06.200, Ordinance 15051, Section 24, and  
12 K.C.C. 21A.06.254, Ordinance 10870, Section 123, as  
13 amended, and K.C.C. 21A.06.415, Ordinance 15051,  
14 Section 41, and K.C.C. 21A.06.451, Ordinance 15051,  
15 Section 107, and K.C.C. 21A.06.1331, Ordinance 10870,  
16 Section 190, as amended, and K.C.C. 21A.06.750,  
17 Ordinance 10870, Section 243, as amended, and K.C.C.  
18 21A.06.1015, Ordinance 10870, Section 288, as amended,  
19 and K.C.C. 21A.06.1240, Ordinance 10870, Section 314, as  
20 amended, and K.C.C. 21A.06.1370, Ordinance 10870,

21 Section 321, and K.C.C. 21A.06.1405, Ordinance 10870,  
22 Section 448, as amended, and K.C.C. 21A.24.010,  
23 Ordinance 10870, Section 449, as amended, and K.C.C.  
24 21A.24.020, Ordinance 15051, Section 137, as amended,  
25 and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as  
26 amended, and K.C.C. 21A.24.051, Ordinance 15051,  
27 Section 140, as amended, and K.C.C. 21A.24.061,  
28 Ordinance 10870, Section 454, as amended, and K.C.C.  
29 21A.24.070, Ordinance 10870, Section 456, as amended,  
30 and K.C.C. 21A.24.090, Ordinance 14187, Section 1, as  
31 amended, and K.C.C. 21A.24.500, Ordinance 10870,  
32 Section 457, as amended, and K.C.C. 21A.24.100,  
33 Ordinance 10870, Section 458, as amended, and K.C.C.  
34 21A.24.110, Ordinance 10870, Section 460, as amended,  
35 and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as  
36 amended, and K.C.C. 21A.24.133, Ordinance 10870,  
37 Section 464, as amended, and K.C.C. 21A.24.170,  
38 Ordinance 10870, Section 465, as amended, and K.C.C.  
39 21A.24.180, Ordinance 10870, Section 467, as amended,  
40 and K.C.C. 21A.24.200, Ordinance 15051, Section 158,  
41 and K.C.C. 21A.24.205, Ordinance 11621, Section 75, as  
42 amended, and K.C.C. 21A.24.275, Ordinance 10870,  
43 Section 475, as amended, and K.C.C. 21A.24.280,

44 Ordinance 10870, Section 476, as amended, and K.C.C.  
45 21A.24.290, Ordinance 10870, Section 478, as amended,  
46 and K.C.C. 21A.24.310, Ordinance 11481, Section 2, as  
47 amended, and K.C.C. 21A.24.311, Ordinance 15051,  
48 Section 173, as amended, and K.C.C. 21A.24.312,  
49 Ordinance 15051, Section 174, as amended, and K.C.C.  
50 21A.24.313, Ordinance 15051, Section 179, as amended,  
51 and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as  
52 amended, and K.C.C. 21A.24.318, Ordinance 15051,  
53 Section 185, as amended, and K.C.C. 21A.24.325,  
54 Ordinance 15051, Section 187, as amended, and K.C.C.  
55 21A.24.335, Ordinance 10870, Section 481, as amended,  
56 and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as  
57 amended, and K.C.C. 21A.24.355, Ordinance 15051,  
58 Section 193, as amended, and K.C.C. 21A.24.358,  
59 Ordinance 15051, Section 195, as amended, and K.C.C.  
60 21A.24.365, Ordinance 10870, Section 485, as amended,  
61 and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as  
62 amended, and K.C.C. 21A.24.382, Ordinance 15051,  
63 Section 204, and K.C.C. 21A.24.388, Ordinance 16958,  
64 Section 31, as amended, and K.C.C. 21A.25.100,  
65 Ordinance 16985, Section 32, as amended, and K.C.C.  
66 21A.25.110, Ordinance 3688, Section 415, as amended,

67 and K.C.C. 21A.25.150, Ordinance 16985, Section 39, as  
68 amended, and K.C.C. 21A.25.160, Ordinance 16985,  
69 Section 46, as amended, and K.C.C. 21A.25.210,  
70 Ordinance 11168, Section 3 as amended, and K.C.C.  
71 21A.30.045, Ordinance 10870, Section 534, as amended,  
72 and K.C.C. 21A.30.060, Ordinance 15051, Section 228,  
73 and K.C.C. 21A.50.035, and Ordinance 263, Article 2,  
74 Section 1, as amended, and K.C.C. 20.12.010, adding new  
75 sections to K.C.C. chapter 21A.06, adding new sections to  
76 K.C.C. chapter 21A.24, recodifying K.C.C. 21A.06.1331  
77 and K.C.C. 21A.24.500, and repealing Ordinance 15051,  
78 Section 139, as amended, and K.C.C. 21A.24.055,  
79 Ordinance 17539, Section 47, as amended, and K.C.C.  
80 21A.24.072, Ordinance 15051, Section 152, as amended,  
81 and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as  
82 amended, and K.C.C. 21A.24.140, Ordinance 11481,  
83 Sections 3 and 5, as amended, and K.C.C. 21A.24.314,  
84 Ordinance 15051, Section 189, as amended, and K.C.C.  
85 21A.24.342, and Ordinance 15051, Section 234, as  
86 amended, and K.C.C. 21A.24.550.

87 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

88 SECTION 1. Findings:

89           A. The Washington state Growth Management Act ("the GMA") requires  
90 counties to include the best available science ("BAS") in developing policies and  
91 development regulations to protect the functions and values of critical areas; give special  
92 consideration to conservation or protection measures necessary to preserve or enhance  
93 anadromous fisheries; ensure no net loss of ecological functions and values; and consider  
94 critical areas regulations as part of the comprehensive plan review and evaluation  
95 required by RCW 36.70A.130.

96           B. King County completed its statutorily required comprehensive plan update in  
97 December 2024 via Ordinance XXXX (Proposed Ordinance 2023-0440). Under the  
98 reasonable progress exception in RCW 36.70.130(7)(b), the county has until December  
99 2025 to complete the associated updates to critical areas regulations.

100           C. King County reviewed BAS and updated its critical areas policies and  
101 development regulations. The county's current BAS review builds on the county's 2004  
102 BAS review and was informed by the GMA and state guidance documents, updated BAS  
103 for critical areas developed by state natural resources agencies, supplemental scientific  
104 literature, county experience in implementing critical area regulations since 2004,  
105 consideration of the county's unique land use context, and the need to meet sometimes  
106 competing GMA goals.

107           D. The October 2024 Best Available Science Review and Updates to Critical  
108 Areas Protections report summarizes GMA requirements for review and inclusion of  
109 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes  
110 tribal consultation and community engagement, details the approach and scope for BAS  
111 review, reviews Comprehensive Plan considerations, and identifies regulatory updates

112 and non-regulatory actions to strengthen protection and ensure no net loss of critical areas  
113 functions and values. As required by GMA, where policies and development regulations  
114 depart from BAS, the report provides information and rationale to support departures,  
115 assesses potential risks to critical areas functions and values, and describes regulatory and  
116 nonregulatory actions to mitigate risk.

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

121 F. The proposed updates to critical areas regulations have the effect of  
122 strengthening protections for critical areas functions and values while advancing the  
123 goals of GMA, including the designation and protection of resource lands and industries,  
124 housing accommodation, protection of property rights, and prevention of urban sprawl,  
125 all within the unique land use and development context of unincorporated King County.

126 G. To protect critical aquifer recharge areas, in accordance with chapter 36.70A  
127 RCW, the following provisions of the King County Code are determined to protect  
128 critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 9.14, 16.82, 21A.06, 21A.16,  
129 21A.22, and 21A.24, and K.C.C. 17.04.010. For the purposes of RCW 70A.355.030,  
130 King County declares critical aquifer recharges areas to be environmentally sensitive  
131 areas.

132 H. The adoption of this ordinance completes all the requirements of the update  
133 required under RCW 36.70A.130.

134            SECTION 2. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are  
135 hereby amended to read as follows:

136            A. For the purposes of this section, the definitions in K.C.C. 16.82.020 apply to  
137 the activities described in this section. If a term is not defined, then the definition in  
138 K.C.C. chapter 21A.06 shall apply (~~to the activities described in this section, if the terms~~  
139 ~~are not defined in K.C.C. 16.82.020~~). Where definitions in K.C.C. 16.82.020 differ from  
140 the definitions in K.C.C. chapter 21A. 06, the definitions in K.C.C. 16.82.020 shall  
141 control.

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

149            C. Clearing and grading permit requirement exemptions shall be interpreted as  
150 follows:

151            1. The use of "NP" in a cell means that no clearing or grading permit is required  
152 if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24 are met;

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

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

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

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

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

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

168 D. Clearing and grading permit requirement exemptions.

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network_	Out of Critical Area and Buffer	Coastal Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Ratio Hazard Area	Land slide & Steep Slope Hazard Area	Seismic, Volcanic, and Tsunami Hazard	((Vulnerability))	((Stress))	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	((Wildlife Area and Buffer))
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						Buff er	ard <u>Are</u> a		<u>vial</u> <u>Fan</u> <u>Haz</u> <u>ard</u> <u>Area</u>			<u>Are</u> a	<u>Area</u> and <u>Wild</u> <u>life</u> <u>Habit</u> at <u>Netw</u> <u>ork</u>
<b>ACTIVITY</b>													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((N P1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((N P 3))		NP 3	NP 4 ((N P 23) )	NP 4 ((N P 23) )	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((N P 5	NP 5	NP 5	NP 5	NP 5	NP 5

								5))					
Emergency tree removal	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P	NP	NP	NP	NP	NP
		6	6	6	6	6	6	6	6	6	6	6	6
								6))					
Hazard tree removal	NP	NP	NP	NP			NP	(( <del>N</del> P	NP				
	25	25	25	25			25	25	25				
								25)					
								)					
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP	NP	NP	NP	NP		NP	(( <del>N</del> <u>NP</u> P	NP	NP	NP	NP	NP
	7	7	7	7	7		7	7	8	7	8	8	8
								7))					
Forest management activity	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P	NP	NP	NP	NP	NP
	9	9	9	9	9	9	9	9	9	9	9	9	9
								9))					
Emergency action	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P	NP	NP	NP	NP	NP
	10	10	10	10	10	10	10	10	10	10	10	10	10
								10)					
								)					
<b>Roads</b>													
Grading within the	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> ( <del>N</del> NP					NP

roadway	11	11	11	11	11	11	11	<del>11</del>	<del>11</del>	11			11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	<del>(NP</del> <del>12</del>	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	<del>(NP</del> <del>13</del>	NP 13	NP 13	NP 13	NP 13	NP 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	<del>(NP</del> <del>13,</del> <del>14,</del> <del>15)</del>	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
<del>((Construction of farm field access drive))</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>	<del>((N</del> <del>16)</del>
<del>((Maintenance of</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>	<del>((N</del>

farm field access drive))	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )	P 17) )
<b>Utilities</b>													
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	((N P 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	((N P 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	((N P 11) )	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface	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

water flow control and surface water quality treatment facility								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
<b>Recreation areas</b>													
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
<b>Habitat and science projects</b>													
Habitat <del>((restoration))</del> creat	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((N P 21	NP 21	NP	NP 21	NP 21	NP 21

ion or enhancement project								21) )					
Drilling and testing for critical areas((s)) report or monitoring and data collection	NP 1, 2, 22	NP 1, 2, 22	NP 1, 2, 22	NP 22	NP 22	NP 22	NP 1, 2, 22	((N P1, 2))	NP 22	NP 1, 2, 22	NP 22	NP 22	NP 22
<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure	NP ((1 6))	NP ((1 6))	NP ((1 6))	NP ((1 6))	NP ((1 6))		NP ((1 6))	((N P 16))		NP ((1 6))	NP ((1 6))	NP ((1 6))	

storage facility	<u>17</u>	<u>17</u>	<u>17</u>	<u>17</u>	<u>17</u>		<u>17</u>	)		<u>17</u>	<u>17</u>	<u>17</u>	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	(( <del>₱</del> ₱ 15) )	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	(( <del>₱</del> ₱ 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	(( <del>₱</del> ₱ 15) )	NP 15	NP 15	NP 15	NP 15	NP 15
<u>Construction of farm field access drive</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>
<u>Maintenance of farm field access drive</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>
<b>Other</b>													
Excavation of cemetery grave in	NP	NP	NP	NP	NP	NP	NP	(( <del>₱</del> ₱))	NP	NP	NP	NP	NP

established and approved cemetery													
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	(( <del>N</del> P))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	(( <del>N</del> P))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP <u>13</u>	(( <del>N</del> P))	NP 13	NP 13	NP 13	NP 13	NP 13

169

E. The following conditions apply:

170

1. Excavation less than five feet in vertical depth((~~z~~)) or fill less than three feet

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in vertical depth that, cumulatively on a single site since January 1, 2005, does not

172

involve more than one hundred cubic yards on a single site.

173

2. Grading that produces less than two thousand square feet of new impervious

174

surface on a single site added after January 1, 2005, or that produces less than two

175

thousand square feet of replaced impervious surface or less than two thousand square feet

176

of new plus replaced impervious surface after October 30, 2008. For purposes of this

177

subsection E.2., "new impervious surface" and "replaced impervious surface" are defined

178

in K.C.C. 9.04.020.



179           3. Cumulative clearing of less than seven thousand square feet on a single site  
180 since January 1, 2005, including, but not limited to, collection of firewood and removal  
181 of vegetation for fire safety. This exception shall not apply to development proposals:

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

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

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

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

186           d. subject to urban growth area significant tree retention standards under

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

188           4. Not allowed within a wetland, aquatic area, or a tree containing an active  
189 nest. Otherwise, allowed for ((€))cutting firewood for personal use in accordance with a  
190 forest management plan ((or rural stewardship plan)) approved under K.C.C. Title 21A.

191 For the purpose of this condition, personal use shall not include the sale or other  
192 commercial use of the firewood.

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

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

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

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

197 management plan((, or rural stewardship plan)).

198           8. Cumulative clearing on a single site since January 1, 2005, of less than seven  
199 thousand square feet and either:

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

201 management plan((, or a rural stewardship plan)); or

---

202           b. limited to removal with hand labor.

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

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

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

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

214           a. slope stabilization or vegetation removal on slopes; or

215           b. ditches that are used by ~~((salmonids))~~ fish.

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

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

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

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

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

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

232 15. If used by salmonids, only in compliance with an adopted farm management  
233 plan in accordance with K.C.C. Title 21A and only if the maintenance activity is  
234 inspected by:

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

239 16. Only on sites with agricultural activities uses if:

- 240 a. consistent with an adopted farm management plan in accordance with  
241 K.C.C. Title 21A((-));
- 242 b. constructed using best management practices approved by the permitting  
243 division;
- 244 c. access is not greater than fourteen feet wide;

- 245           d. an alternate location is not available to provide less adverse impact on  
246 critical areas and associated buffers;
- 247           e. in compliance with the requirements for farmland dispersion within the King  
248 County Surface Water Design Manual;
- 249           f. located where it is least subject to risk from channel migration;
- 250           g. a floodplain development permit is obtained for any action within the  
251 floodplain; and
- 252           h. all other required state and federal permits have been obtained and actions  
253 comply with these permits.
- 254           17. Only if consistent with an adopted farm management plan in compliance  
255 with K.C.C. Title 21A.
- 256           18. In accordance with a right-of-way construction permit.
- 257           19. Only within the roadway in accordance with a right-of-way construction  
258 permit.
- 259           20. When:
- 260           a. conducted by a public agency;
- 261           b. the height of the facility is not increased;
- 262           c. the linear length of the facility is not increased;
- 263           d. the footprint of the facility is not expanded waterward;
- 264           e. done in accordance with the Regional Road Maintenance Guidelines;
- 265           f. done in accordance with the adopted King County Flood Management Plan  
266 and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat  
267 Guidelines Program, 2002); and

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

270 21. Only if:

271 a. the activity is not part of a mitigation plan associated with another  
272 development proposal or is not corrective action associated with a violation((:)), and

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

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

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

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

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

285 (3) hand labor except:

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

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

291           22. If done with hand equipment(~~and~~), does not involve any clearing, and  
292 equipment is not left in the critical area or associated buffer when work is concluded.

293           23. Limited to tree and vegetation clearing for the purposes of wildfire  
294 preparedness, except tree and vegetation clearing subject to K.C.C. 16.82.156, (~~or~~)  
295 K.C.C. Title 21A, or otherwise requiring a permit, including, but not limited to,  
296 alterations within critical areas, as follows:

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

299           (1) vegetation removal:

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

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

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

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

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

309           (b) fifteen feet of clearance over driveways for emergency vehicle access;

310           (c) eighteen feet between tree crowns; and

311           (d) ten feet between tree crowns and decks, chimneys, propane tanks,  
312 liquefied petroleum gas tanks, overhead communication cables, overhead electrical wires,  
313 or other structures; and

314           b. All activities in subsection E.23.a. of this section are also allowed up to one  
315 hundred feet from a residential structure containing habitable space if such clearing is  
316 advised in a wildfire risk assessment conducted by a professional holding a wildfire risk  
317 assessment certification, or the activity is advised in a forest stewardship plan approved  
318 by the department of natural resources and parks that includes best management practices  
319 to reduce wildfire risk, except ~~((as follows:))~~ that

320           ~~((+))~~ removal and pruning of trees to provide clearance between tree crowns  
321 is limited to providing:

322           ~~((a))~~ (1) twelve feet between tree crowns~~((, when))~~ located more than  
323 thirty feet and up to sixty feet ~~((of))~~ from a residential structure containing habitable  
324 space; and

325           ~~((b))~~ (2) six feet between tree crowns~~((, when))~~ located more than sixty  
326 feet and up to one hundred feet ~~((of))~~ from a residential structure containing habitable  
327 space.

328           24. Limited to the removal of downed trees.

329           25. Except on properties that are:

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

332           b. subject to urban growth area significant tree retention standards under  
333 K.C.C. 16.82.156.

334           26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance  
335 activity is inspected by the:

336           a. King Conservation District;

- 337           b. department of natural resources and parks;
- 338           c. department of local services, permitting division; or
- 339           d. Washington state Department of Fish and Wildlife.
- 340           27. Pruning of trees to provide up to ten feet of clearance from overhead
- 341 communication cables and electrical wire components of utility facilities, if:
- 342           a. ~~((no))~~ all debris is ~~((left))~~ removed following the pruning activity;
- 343           b. authorized by a right-of-way construction permit;
- 344           c. pruning activities around overhead electrical facilities do not extend fifteen
- 345 feet beyond the right-of-way; and
- 346           d. any work is approved by the property owner.
- 347           28. Tree and vegetation clearing, except for overhead facilities in subsection
- 348 E.27. of this section, and except for tree and vegetation clearing subject to K.C.C.
- 349 16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows:
- 350           a. Up to thirty feet measured horizontally from the utility facility structure, the
- 351 following is allowed:
- 352           (1) vegetation removal:
- 353           (a) within fifteen feet of the furthest attached exterior point of a structure;
- 354 and
- 355           (b) underneath a tree crown to provide up to ten feet of clearance from the
- 356 ground to remove ladder fuels;
- 357           (2) removal and pruning of trees to provide:
- 358           (a) ten feet of clearance from the ground to remove ladder fuels, as long as
- 359 pruning does not exceed one-third of tree height;



360 (b) fifteen feet of clearance over driveways for emergency vehicle access;

361 (c) eighteen feet between tree crowns; and

362 (d) ten feet between tree crowns and structures; and

363 (3) the screening function of any landscaping planted to provide screening in

364 K.C.C. chapter 21A.16 is maintained; and

365 b. All of the activities in subsection E.28.a. of this section are also allowed up

366 to one hundred feet measured horizontally from the utility facility structure if such

367 clearing activity is advised in a wildfire risk assessment conducted by a professional

368 holding a wildfire risk assessment certification, or the activity is advised in a forest

369 stewardship plan approved by the department of natural resources and parks and that

370 includes best management practices to reduce wildfire risks, except that removal and

371 pruning of trees to provide clearance between tree crowns is limited to providing:

372 (1) twelve feet between tree crowns, when more than thirty feet and up to

373 sixty feet measured horizontally from a utility facility structure; and

374 (2) six feet between tree crowns, when more than sixty feet and up to one

375 hundred feet measured horizontally from a utility facility structure.

376 SECTION 3. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are

377 hereby amended to read as follows:

378 A. The King County shoreline master program consists of the following

379 elements, enacted on or before the date of enactment of ((Ordinance XXXX (Proposed

380 Ordinance 2023-0440)) this ordinance:

381 1. The King County Comprehensive Plan chapter six;

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

- 383 3. The following sections of K.C.C. chapter 21A.24:
- 384 a. K.C.C. 21A.24.045;
- 385 b. K.C.C. 21A.24.051;
- 386 c. ~~((K.C.C. 21A.24.055;~~
- 387 ~~d.))~~ K.C.C. 21A.24.070.A., B.2., C.2., D., and E.;
- 388 ~~((e.))~~ d. K.C.C. 21A.24.125;
- 389 ~~((f.))~~ e. K.C.C. 21A.24.130;
- 390 ~~((g.))~~ f. K.C.C. 21A.24.133;
- 391 ~~((h.))~~ g. K.C.C. 21A.24.200;
- 392 ~~((i.))~~ h. K.C.C. 21A.24.210;
- 393 ~~((j.))~~ i. K.C.C. 21A.24.220;
- 394 ~~((k.))~~ j. K.C.C. 21A.24.275;
- 395 ~~((l.))~~ k. K.C.C. 21A.24.280;
- 396 ~~((m.))~~ l. K.C.C. 21A.24.290;
- 397 ~~((n.))~~ m. K.C.C. 21A.24.300;
- 398 ~~((o.))~~ n. K.C.C. 21A.24.310;
- 399 ~~((p.))~~ o. K.C.C. 21A.24.316;
- 400 ~~((q.))~~ p. K.C.C. 21A.24.318;
- 401 ~~((r.))~~ q. K.C.C. 21A.24.325;
- 402 ~~((s.))~~ r. K.C.C. 21A.24.335;
- 403 ~~((t.))~~ s. K.C.C. 21A.24.340;
- 404 ~~((u.))~~ t. K.C.C. 21A.24.355;
- 405 ~~((v.))~~ u. K.C.C. 21A.24.358;

406            ~~((w-))~~ v. K.C.C. 21A.24.365;  
407            ~~((x-))~~ w. K.C.C. 21A.24.380;  
408            ~~((y-))~~ x. K.C.C. 21A.24.382;  
409            ~~((z-))~~ y. K.C.C. 21A.24.386; and  
410            ~~((aa-))~~ z. K.C.C. 21A.24.388;

- 411            4. The following:
- 412            a. K.C.C. 20.18.050;
  - 413            b. K.C.C. 20.18.056;
  - 414            c. K.C.C. 20.18.057;
  - 415            d. K.C.C. 20.18.058;
  - 416            e. K.C.C. 20.22.160;
  - 417            f. K.C.C. 21A.32.045;
  - 418            g. K.C.C. 21A.44.090;
  - 419            h. K.C.C. 21A.44.100; and
  - 420            i. K.C.C. 21A.50.030; and

421            5. The 2024 King County Flood Management Plan.

422            B. The shoreline management goals and policies constitute the official policy of  
423 King County regarding areas of the county subject to shoreline jurisdiction under chapter  
424 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local  
425 administrative, enforcement, and permit review procedures shall conform to chapter  
426 90.58 RCW but shall not be a part of the shoreline master program.

427            C. Amendments to the shoreline master program do not apply to the shoreline  
428 jurisdiction until approved by the Washington state Department of Ecology as provided

429 in RCW 90.58.090. The department of local services, permitting division, shall, within  
430 ten days after the date of the Department of Ecology's approval, file a copy of the  
431 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the  
432 council, who shall retain the original and provide electronic copies to all  
433 councilmembers, the chief of staff, and the lead staff of the local services and land use  
434 committee, or its successor.

435 SECTION 4. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are  
436 hereby amended to read as follows:

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

439 B. To be eligible for open space classification under the public benefit rating  
440 system, a property shall contain one or more qualifying open space resources and have at  
441 least five points as determined under this section. The department shall review each  
442 application and recommend award of credit for current use of the property. In making the  
443 recommendation, the department shall utilize the point system described in subsections  
444 C. and D. of this section.

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

446 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage"  
447 means land in private ownership through which the owner agrees to allow public passage  
448 for active transportation, as defined in K.C.C. 14.01.xxx (~~(((the new section created by))~~  
449 Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s))Section 21 (~~(of this~~  
450 ~~ordinance)))~~), for the purpose of providing a connection between trails within the county's  
451 regional trails system and local or regional attractions or points of interest, for trail users

452 including equestrians, pedestrians, bicyclists, and other users. "Local or regional  
453 attractions or points of interest" include other trails, parks, waterways, or other  
454 recreational and open space attractions, retail centers, arts and cultural facilities,  
455 transportation facilities, residential concentrations, or similar destinations. The linkage  
456 shall be open to passage by the general public and the property owner shall enter into an  
457 agreement with the county consistent with applicable parks and recreation division  
458 policies to grant public access. To receive twenty-five points, the property owner shall  
459 enter into an agreement with the county regarding improvement of the trail, including  
460 trail pavement and maintenance. To receive fifteen points, the property owner shall agree  
461 to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to  
462 develop criteria for determining the highest priority linkages for which it will enter into  
463 agreements with property owners;

464           2. Aquifer protection area - five points. "Aquifer protection area" means  
465 property that has a plant community in which native plants are dominant and that  
466 includes an area designated as a critical aquifer recharge area under K.C.C. chapter  
467 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent  
468 of the enrolling open space area or a minimum of one acre of open space shall be  
469 designated as a critical aquifer recharge area. If the enrolling open space area does not  
470 have a plant community in which native plants are dominant, revegetation shall occur  
471 subject to a revegetation plan reviewed and approved by the department;

472           3. Buffer to public or current use classified land - three points. "Buffer to public  
473 or current use classified land" means land that has a plant community in which native  
474 plants are dominant or has other natural features, such as streams or wetlands, and that is

475 abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally  
476 required to remain in a natural state, to a state or federal highway, or to a property  
477 participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The  
478 buffer shall be at least fifty feet long and fifty feet ((~~th~~)) wide. Public roads may separate  
479 the public land, or land in private ownership classified under chapters 84.33 or 84.34  
480 RCW, from the buffering land, if the entire buffer is at least as wide and long as the  
481 adjacent section of the road easement. Landscaping or other nonnative vegetation may  
482 not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the  
483 native vegetation buffer. The department may grant an exception to the native vegetation  
484 requirement for property along parkways with historic designation, upon review and  
485 recommendation of the historic preservation officer of King County or the local  
486 jurisdiction in which the property is located. Eligibility for this exception does not  
487 extend to a property where plantings are required or existing plant communities are  
488 protected under local zoning codes, development mitigation requirements, or other local  
489 regulations;

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

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

496 b. The ecological enhancement project shall include removing significant  
497 human-made structures, alterations, or impediments such as shoreline armoring, roads,

498 culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat.  
499 The intent of the removal shall be to reestablish natural function or processes to the  
500 project area;

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

506 d. The owner shall annually provide to the department a monitoring report  
507 detailing the enhancement efforts' success for five years following enrollment. The  
508 owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190.  
509 The monitoring report shall describe the progress and success of the enhancement project  
510 and shall include photographs to document the success. Land receiving credit for this  
511 category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration  
512 ~~((categories))~~ category;

513 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-  
514 pedestrian-bicycle trail linkage" means land in private ownership that the property owner  
515 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other  
516 active transportation, as defined in K.C.C. 14.01.xxx ~~((the new section created by))~~  
517 Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s))Section 21 ~~((of this~~  
518 ~~ordinance)))~~, uses, or that provides a trail link from a public right-of-way to a trail  
519 system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for  
520 this category, except for maintenance or for medical, public safety, or police

521 emergencies. Public access is required only on that portion of the property containing the  
522 trail. The landowner may impose reasonable restrictions on access that are mutually  
523 agreed to by the landowner and the department, such as limiting use to daylight hours.  
524 To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a  
525 trail easement to an appropriate public or private entity acceptable to the department.  
526 The easement shall be recorded with the King County recorder's office or its successor.  
527 In addition to the area covered by the trail easement, adjacent land used as pasture, barn,  
528 or stable area and any corral or paddock may be included, if an approved and  
529 implemented farm management plan is provided. Land necessary to provide a buffer  
530 from the trail to other nonequestrian uses, land that contributes to the aesthetics of the  
531 trail, such as a forest, and land set aside and marked for off road parking for trail users  
532 may also be included as land eligible for current use taxation. Those portions of private  
533 roads, driveways, or sidewalks open to the public for this purpose may also qualify.  
534 Fencing and gates are not allowed in the trail easement area, except those that are parallel  
535 to the trail or linkage;

536           6. Farm and agricultural conservation land - five points. "Farm and agricultural  
537 conservation land" means land previously classified as farm and agricultural land under  
538 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or  
539 traditional farmland not classified under chapter 84.34 RCW that has not been  
540 irrevocably devoted to a use inconsistent with agricultural uses and has a high potential  
541 for returning to commercial agriculture. The property shall be used for farm and  
542 agricultural activities or have a high probability of returning to agriculture and the  
543 property owner shall commit to returning the property to farm or agricultural activities by



544 implementing a farm management plan. An applicant shall have an approved farm  
545 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the  
546 department and that is being implemented according to its proposed schedule of activities  
547 before receiving credit for this category. Farm and agricultural activities shall occur on at  
548 least one acre of the property. Eligible land shall be zoned to allow agricultural uses and  
549 be owned by the same owner or held under the same ownership. Land receiving credit  
550 for this category may not receive credit for the contiguous parcels under separate  
551 ownership category;

552           7. Forest stewardship land - five points. "Forest stewardship land" means  
553 property that is managed according to an approved forest stewardship plan and that is not  
554 enrolled in the designated forestland program under chapter 84.33 RCW. The property  
555 shall contain at least four acres of contiguous forestland, which may include land  
556 undergoing reforestation, according to the approved plan. The owner shall have and  
557 implement a forest stewardship plan approved by the department. The forest stewardship  
558 plan may emphasize forest retention, harvesting, or a combination of both. Land  
559 receiving credit for this category may not receive credit for the resource restoration (~~or~~  
560 ~~rural stewardship land categories~~) category;

561           8. Historic landmark or archeological site: buffer to a designated site - three  
562 points. "Historic landmark or archaeological site: buffer to a designated site" means  
563 property adjacent to land constituting or containing a designated county or local historic  
564 landmark or archeological site, as determined by King County's historic preservation  
565 officer or by a manager of a certified local government program in the jurisdiction in  
566 which the property is located. A property shall have a plant community in which native

567 plants are dominant and provide a significant buffer for a designated landmark or  
568 archaeological site listed on the county or other certified local government list or register  
569 of historic places or landmarks. "Significant buffer" means land and plant communities  
570 that provide physical, visual, noise, or other barriers and separation from adverse effects  
571 to the historic resources due to adjacent land use;

572           9. Historic landmark or archeological site: designated site – five points.  
573 "Historic landmark or archaeological site: designated site" means land that constitutes or  
574 contains a historic landmark designated by King County or other certified local  
575 government program in the jurisdiction in which the property is located. Historic  
576 landmarks include buildings, structures, districts, or sites of significance in the county's  
577 historic or prehistoric heritage, such as Native American settlements, trails, pioneer  
578 settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and  
579 historic archaeological sites, or traditional cultural properties. A property shall be listed  
580 on a county or other certified local government list or register of historic places or  
581 landmarks for which there is local regulatory protection. Eligible property may include  
582 property that contributes to the historic character within designated historic districts, as  
583 defined by the historic preservation officer of King County or other certified local  
584 government jurisdiction. The King County historic preservation officer shall make the  
585 determination on eligibility;

586           10. Historic landmark or archeological site: eligible site - three points.  
587 "Historic landmark or archaeological site: eligible site" means land that constitutes or  
588 contains a historic property that has the potential of being designated by a certified local  
589 government jurisdiction, including buildings, structures, districts, or sites of significance

590 in the county's historic or prehistoric heritage, such as Native American settlements,  
591 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric  
592 and historic archaeological sites, or traditional cultural properties. To be eligible, the  
593 historic preservation officer of King County or other certified local government program  
594 in the jurisdiction in which the property is located shall determine the property meets the  
595 jurisdiction's criteria for designation and listing on the county or other local register of  
596 historic places or landmarks for which there is local regulatory protection. Eligible  
597 property may include contributing property within designated historic districts. Property  
598 listed in the state or national Registers of Historic Places may qualify under this category;

599           11. Public recreation area - five points. "Public recreation area" means land  
600 devoted to providing active or passive recreation use or that complements or substitutes  
601 for recreation facilities characteristically provided by public agencies. Use of motorized  
602 vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for  
603 medical, public safety, or police emergencies. The facilities shall be open to the general  
604 public or to specific public user groups, such as youth, seniors, or people with disabilities.  
605 A property shall be identified by the responsible agency within whose jurisdiction the  
606 property is located as meeting the definition of public recreation area. The property  
607 owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged  
608 for use, it shall be comparable to the fee charged by a similar public facility;

609           12. Rural open space - five points. "Rural open space" means an area of ten or  
610 more contiguous acres of open space located outside of the urban growth area as  
611 identified in the King County Comprehensive Plan that:

612           a. has a plant community in which native plants are dominant; or

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

618           13. (~~Rural stewardship land – five points. "Rural stewardship land" means land~~  
619 ~~zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural~~  
620 ~~stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-~~  
621 ~~zoned properties, the approved rural stewardship plan shall meet the goals and standards~~  
622 ~~of K.C.C. 21A.24.055. On A and F zoned properties, credit for this category is allowed~~  
623 ~~if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but~~  
624 ~~is not limited to, identification of critical areas, location of structures and significant~~  
625 ~~features, site specific best management practices, a schedule for implementation, and a~~  
626 ~~plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural~~  
627 ~~stewardship land, the open space shall be at least one acre and feature a plant community~~  
628 ~~in which native plants are dominant or be in the process of native vegetation restoration,~~  
629 ~~reforestation, or enhancement. Land receiving credit for this category may not receive~~  
630 ~~credit for the ecological enhancement land, resource restoration, or forest stewardship~~  
631 ~~land categories;~~

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

633           a. "Scenic resource" means an area of natural or recognized cultural features  
634 visually significant to the aesthetic character of the county. The site shall be significant  
635 to the identity of the local area, be visible to a significant number of the general public

636 from public rights-of-way, be of sufficient size to substantially preserve the scenic  
637 resource value, and enroll at least ten acres of open space.

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

643           c. A "view corridor" means a property that contributes to the aesthetics of a  
644 recognized view corridor critical to maintaining a public view of a visually significant  
645 scenic natural or recognized cultural resource. The site shall contain at least one acre of  
646 open space that contributes to a view corridor visible to the public and that provides  
647 views of a scenic natural resource area or recognized cultural resource significant to the  
648 local area. The site shall have ((a)) significant cultural areas and contain significant  
649 inventoried or designated historic properties, as determined by the King County historic  
650 preservation officer or officer of another certified local government program in the  
651 jurisdiction in which the property is located in. Eligibility is subject to determination by  
652 the department or applicable jurisdiction;

653           ((15.)) 14. Significant plant or ecological site - five points. "Significant plant or  
654 ecological site" means an area that meets the criteria for Element Occurrence established  
655 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An  
656 Element Occurrence is a particular, on-the-ground observation of a rare species or  
657 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington  
658 Natural Heritage Program or be identified as a property that meets the criteria for an

659 Element Occurrence. The identification shall be confirmed by a qualified expert  
660 acceptable to the department. The department shall notify the Washington Natural  
661 Heritage Program of any verified Element Occurrence on an enrolling property.  
662 Commercial nurseries, arboretums, or other maintained garden sites with native or  
663 nonnative plantings are ineligible for this category;

664 ~~((16-))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

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

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

670 (2) an area where the species listed in subsection C.~~((16-))~~15a.(1) of this  
671 section are potentially found with sufficient frequency for critical ecological processes,  
672 such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

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

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

679 b. To be eligible, the department, by its own determination or by expert  
680 determination acceptable to the department, shall verify that qualified species are present  
681 on the property or that the land fulfills the functions described in subsection C.~~((16-))~~15.a.

682 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a  
683 buffer at least fifteen percent greater in width than required by any applicable regulation.  
684 Property consisting mainly of disturbed or fragmented open space determined by the  
685 department as having minimal wildlife habitat significance is ineligible;

686 ~~((17.))~~ 16. Special animal site - three points. "Special animal site" means a site  
687 that includes a wildlife habitat network identified by the King County Comprehensive  
688 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A  
689 RCW, or a biodiversity area and corridor identified by the Washington state Department  
690 of Fish and Wildlife's priority habitats and species project as of the date of the application  
691 as identified by King County or local or state jurisdiction or by expert verification  
692 acceptable to the department or local jurisdiction. Property consisting mainly of  
693 disturbed or fragmented open space determined by the department to have minimal  
694 wildlife habitat significance is ineligible for this category;

695 ~~((18.))~~ 17. Surface water quality buffer – five, eight, or ten total points. "Surface  
696 water quality buffer" means an undisturbed area that has a plant community in which  
697 native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine  
698 waters on or abutting the property, that provides buffers beyond that required by any  
699 applicable regulation. To receive five points, the buffer shall be at least fifty percent  
700 wider than the buffer required by any applicable regulation. To receive eight points, the  
701 buffer shall be at least two times the required width. To receive ten points, the buffer  
702 shall be at least three times the required width. The qualifying buffer shall be longer than  
703 twenty-five feet and shall be preserved from clearing or maintenance, unless this area is  
704 part of a department-approved ecological enhancement, farm management, forest

705 stewardship, (~~rural stewardship~~) or resource restoration plan. Grazing use by livestock  
706 on such land is prohibited;

707 ~~((19.))~~ 18. Urban open space - five points.

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

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

714 (2) the land protects streams or water supply;

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

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

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

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

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

726 ~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area"  
727 means property contributing to the forest cover that provides run-off reduction and



728 groundwater protection. The property shall consist of contiguous native forest or be in  
729 the process of reforestation. The enrolling forested area shall consist of additional forest  
730 cover beyond that required by county or applicable local government regulation and shall  
731 be at least one acre or sixty-five percent of the property acreage, whichever is greater. If  
732 reforestation or improvements to the forest health are necessary, the property owner shall  
733 provide and implement an ecological enhancement, a forest stewardship, or resource  
734 restoration(~~(, or rural stewardship)~~) plan that addresses this need and is acceptable to the  
735 department.

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

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

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

749 2. Contiguous parcels under separate ownership - two points.

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

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

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

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

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

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

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

776 3. Easement and access – thirty-five points. "Easement and access" means that  
777 the property has at least one qualifying open space resource, unlimited public access or  
778 limited public access due to resource sensitivity, and a conservation easement or historic  
779 preservation easement in perpetuity in a form and with conditions acceptable to the  
780 department. A property shall only be eligible in this category if it receives credit for an  
781 open space category and for the conservation easement or historic easement in perpetuity  
782 category. The owner shall agree to allow public access to the portion of the property  
783 designated for public access in the easement. An easement required by zoning,  
784 subdivision conditions, or other land use regulation is not eligible, unless there is  
785 additional easement area beyond that required. Credit for this category may not overlap  
786 with the equestrian-pedestrian-bicycle trail linkage;

787 4. Public access - points depend on type and frequency of access allowed.  
788 "Public access " means the general public is allowed access on an ongoing basis for uses  
789 such as recreation, education, or training. Access shall be allowed on the portion of the  
790 property that is designated for public access. The landowner may impose reasonable  
791 restrictions on access, such as limiting use to daylight hours, agreed to by the department.  
792 No physical barriers may limit reasonable public access or negatively affect an open  
793 space resource. A property owner shall demonstrate that the property is open to public  
794 access and is used by the public. Award of public access points for historic (~~properties~~)  
795 properties is subject to approval by the historic preservation officer of King County or a

796 certified officer of another local government jurisdiction in which the property is located.

797 The property owner may be required to furnish and maintain signage according to county

798 specifications.

799 a. Unlimited public access - five points. Year-round access by the general

800 public is allowed without special arrangements with the property owner.

801 b. Limited public access (~~because of~~) due to resource sensitivity - five points.

802 Access may be reasonably limited by the property owner due to the sensitive nature of

803 the resource, with access provided only to appropriate user groups. The access allowed

804 should generally be for an educational, scientific, or research purpose and may require

805 special arrangements with the owner.

806 c. Seasonally limited public access - three points. Access by the public is

807 allowed only for part of the year due to due to seasonal conditions, as mutually agreed to

808 by the landowner and the department.

809 d. Environmental education access - three points. The landowner enters into

810 an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax

811 status, or, with the agreement of the department, with another community organization

812 that allows membership by the general public to provide environmental education to its

813 members or the public at large. The department shall verify that the enrolled portion of

814 the property has value for environmental education purposes.

815 e. None or members-only - zero points. No public access is allowed or the

816 access is allowed only by members of the organization using or owning the land; and

817 5. Resource restoration – five points. "Resource restoration" means restoration

818 of an enrolling area of property benefiting an area in an open space resource category.

819 Emphasis is placed on the restoration of native vegetation associated with anadromous  
820 fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and  
821 wetland habitats. The owner shall provide and implement a restoration plan approved by  
822 the department. The plan may be developed in cooperation with a natural resource expert  
823 or agency. The approved restoration plan shall, at a minimum, include a purpose  
824 statement, a description of restoration work to be done, a detailed site map of the area to  
825 be restored, a specific timeline for the restoration activities to be completed and a  
826 monitoring schedule for the restoration project's first five years. Historic resource  
827 restoration is subject to approval by the King County historic preservation officer or  
828 officer of another certified local government in the jurisdiction in which the property is  
829 located and shall be accompanied by a long-term maintenance plan. The owner shall also  
830 provide to the department a yearly monitoring report for at least five years following  
831 enrollment in the public benefit rating system program. The report shall describe the  
832 progress and success of the restoration project and shall include photographs to document  
833 the success. Land receiving credit for this category may not receive credit for the  
834 ecological enhancement land((;)) or forest stewardship land(~~(; or rural stewardship land)~~)  
835 categories.

836 SECTION 5. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are  
837 hereby amended to read as follows:

838 A. King County adopts the standards and procedures specified in WAC 197-11-  
839 300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical  
840 exemptions and making threshold determinations subject to the following:

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

843 a. The construction or location of any residential structures of twenty dwelling  
844 units within the boundaries of an urban growth area, or of any residential structures of  
845 eight dwelling units outside of the boundaries of an urban growth area;

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

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

854 d. The construction of a parking lot designed for forty automobiles;

855 e. Any fill or excavation of five hundred cubic yards throughout the total  
856 lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III  
857 forest practice under RCW 76.09.050 or regulation thereunder: The categorical  
858 exemption threshold shall be one hundred cubic yards for any fill or excavation that is in  
859 ~~((an aquatic area, wetland,))~~ a steep slope, ((or)) landslide ((hazard area)), or alluvial fan  
860 hazard area. If the proposed action is to remove from or replace fill in ~~((an aquatic area,~~  
861 ~~wetland,))~~ a steep slope, ((or)) landslide ((hazard area)), or alluvial fan hazard area to  
862 correct a violation, the threshold shall be five hundred cubic yards.

863           2. The determination of whether a proposal is categorically exempt shall be  
864 made by the county department that serves as lead agency for that proposal.

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

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

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

874           NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.06  
875 a new section to read as follows:

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

878           NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06  
879 a new section to read as follows:

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

884           NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06  
885 a new section to read as follows:

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

889 SECTION 9. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C  
890 are hereby amended to read as follows:

891 A. Aquatic areas:

892 1. Nonwetland water features including: all shorelines of the state, rivers,  
893 streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs;

894 2. Impoundments, such as reservoirs or ponds, if any portion of the contributing  
895 water is from a nonwetland water feature listed in subsection A.1. of this section; ~~((and))~~

896 3. Above-ground open water conveyance systems, such as ditches, if any  
897 portion of the contributing water is:

898 a. used by fish; or

899 b. from either a wetland or a ~~((nonwetland))~~ water feature listed in subsection  
900 A.1. or A.2. of this section, or both; and

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

903 B. "Aquatic areas" does not include water features where the source of  
904 contributing water is entirely artificial, including, but not limited to, ground water wells,  
905 and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage  
906 ditches that lie within the boundaries of, and are maintained by a port district or an  
907 irrigation district or company.



908            SECTION 10. Ordinance 10870, Section 70, as amended, and K.C.C.

909 21A.06.122 are hereby amended to read as follows:

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

915            NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter  
916 21A.06 a new section to read as follows:

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

920            SECTION 12. Ordinance 10870, Section 80, as amended, and K.C.C.

921 21A.06.200 are hereby amended to read as follows:

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

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

927            Commercial production of agricultural products: agriculture conducted by an  
928 operator who has done one or more of the following:

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

930 B. Obtained and currently holds a United States Department of Agriculture  
931 Organic Certification producer certificate; or

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

934 SECTION 14. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby  
935 amended to read as follows:

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

940 A. ~~((Aquatic areas;~~

941 ~~B. Coal mine hazard areas;~~

942 C.)) Critical aquifer recharge areas;

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

944 ~~E. Flood hazard areas;~~

945 ~~F. Landslide hazard areas;~~

946 ~~G. Seismic hazard areas;~~

947 ~~H. Steep slope hazard areas;~~

948 ~~I. Volcanic hazard areas;~~

949 J.)) B. Frequently flooded areas, regulated as Flood Hazard Areas, including;

950 1. Floodplains;

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

952 3. Zero-rise flood fringe;

953            4. Zero-rise floodways;

954            5. FEMA floodways; and

955            6. Channel migration zones;

956            C. Fish and wildlife habitat conservation areas, including:

957            1. Aquatic areas;

958            2. Riparian areas;

959            3. Wildlife habitat conservation areas; and

960            4. Wildlife habitat networks;

961            D. Geologically hazardous areas, including:

962            1. Alluvial fan hazard areas;

963            2. Channel migration zones;

964            3. Coal mine hazard areas;

965            4. Erosion hazard areas;

966            5. Landslide hazard areas;

967            6. Seismic hazard areas;

968            7. Steep slope hazard areas;

969            8. Tsunami hazard areas; and

970            9. Volcanic hazard areas; and

971            E. Wetlands(;

972            ~~K. Wildlife habitat conservation areas; and~~

973            ~~L. Wildlife habitat networks)).~~

974            NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter

975            21A.06 a new section to read as follows:

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

979 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter  
980 21A.06 a new section to read as follows:

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

983 NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter  
984 21A.06 a new section to read as follows:

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

990 SECTION 18. Ordinance 10870, Section 123, as amended, and K.C.C.  
991 21A.06.415 are hereby amended to read as follows:

992 Erosion hazard area: ~~((an))~~ a geologically hazardous area underlain by soils that  
993 ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are  
994 not limited to, those classified as having a severe to very severe erosion hazard according  
995 to the United States Department of Agriculture ~~((Soil))~~ Natural Resources Conservation  
996 Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey  
997 or any subsequent revisions or addition by or to these sources such as any occurrence of

998 River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur  
999 on slopes inclined at fifteen percent or more:

- 1000 A. The Alderwood gravely sandy loam ("AgD");
- 1001 B. The Alderwood and Kitsap soils ("AkF");
- 1002 C. The Beausite gravely sandy loam ("BeD" and "BeF");
- 1003 D. The Kitsap silt loam ("KpD");
- 1004 E. The Ovall gravely loam ("OvD" and "OvF");
- 1005 F. The Ragnar fine sandy loam ("RaD"); and
- 1006 G. The Ragnar-Indianola Association ("RdE").

1007 SECTION 19. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby  
1008 amended to read as follows:

1009 Farm field access drive: a((~~n~~)) paved or impervious ((~~surface constructed to~~  
1010 ~~provide a fixed~~)) route or path used for moving livestock, produce, equipment, or  
1011 supplies to and from farm fields, and farm structures for agricultural activities on a  
1012 property that is within an Agricultural Production District, enrolled in the Farmland  
1013 Preservation Program, or zoned A.

1014 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter  
1015 21A.06 a new section to read as follows:

1016 Fish and wildlife habitat conservation areas: areas that serve a critical role in  
1017 sustaining needed habitats and species for the functional integrity of the ecosystem, and  
1018 which, if altered, may reduce the likelihood that the species will persist over the long  
1019 term. These areas may include, but are not limited to, rare or vulnerable ecological  
1020 systems, communities, and habitat or habitat elements including seasonal ranges,

1021 breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with  
1022 high population density or species richness.

1023 Fish and wildlife habitat conservation areas do not include artificial water  
1024 carrying features or constructs such as irrigation delivery systems, irrigation  
1025 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and  
1026 are maintained by, a port district or an irrigation district or company.

1027 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter  
1028 21A.06 a new section to read as follows:

1029 Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or  
1030 other geological events. Areas classified as geologically hazardous areas include one or  
1031 more of the following:

1032 A. Alluvial fan hazard areas;

1033 B. Channel migration zones;

1034 C. Coal mine hazard areas;

1035 D. Erosion hazard areas;

1036 E. Landslide hazard areas;

1037 F. Seismic hazard areas;

1038 G. Steep slope hazard areas;

1039 H. Tsunami hazard areas; and

1040 I. Volcanic hazard areas.

1041 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter  
1042 21A.06 a new section to read as follows:

1043 Geological professional: a geotechnical engineer or geologist, licensed in  
1044 Washington state and experience in analyzing geologic, hydrologic, and ground water  
1045 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1046 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter  
1047 21A.06 a new section to read as follows:

1048 Grazing area buffer: a designated area contiguous to a wetland or aquatic area  
1049 from which grazing livestock are excluded.

1050 SECTION 24. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby  
1051 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1052 SECTION 25. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are  
1053 hereby amended to read as follows:

1054 (~~Tree, hazard~~) Hazard tree: any tree with a structural defect, combination of  
1055 defects or disease resulting in structural defect that, under the normal range of  
1056 environmental conditions at the site, will result in the loss of a major structural  
1057 component of that tree in a manner that will:

1058 A. Damage a residential (~~structure~~) building or accessory structure, place of  
1059 employment or public assembly or approved parking for a residential structure or  
1060 accessory structure or place of employment or public assembly;

1061 B. Damage an approved road or utility facility; or

1062 C. Prevent emergency access (~~in the case of medical hardship~~).

1063 SECTION 26. Ordinance 10870, Section 190, as amended, and K.C.C.  
1064 21A.06.750 are hereby amended to read as follows:

1065 Mitigation: an action taken to compensate for unavoidable adverse impacts to the  
1066 environment resulting from a development activity or alteration after all appropriate and  
1067 practicable avoidance and minimization measures have been accounted for and  
1068 implemented.

1069 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter  
1070 21A.06 a new section to read as follows:

1071 Notice of map amendment: a letter issued by the department of natural resources  
1072 and parks indicating that the classification of a critical area has been changed from the  
1073 classification shown on a critical areas map adopted by King County. The notice of map  
1074 amendment may indicate that an area has been reclassified, declassified, or newly classified  
1075 as a critical area.

1076 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter  
1077 21A.06 a new section to read as follows:

1078 Revegetation: the reestablishment of vegetation within an area that reflects historic  
1079 natural conditions or native vegetation types that are well suited to thrive in the area.

1080 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter  
1081 21A.06 a new section to read as follows:

1082 Riparian area: a designated area contiguous to an aquatic area that provides fish and  
1083 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects  
1084 water quality. Riparian areas reduce impacts from adjacent land uses through various  
1085 physical, chemical, or biological processes.

1086 SECTION 30. Ordinance 10870, Section 243, as amended, and K.C.C.  
1087 21A.06.1015 are hereby amended to read as follows:



1088 Salmonid: a fish native to the Puget Sound region that is a member of the fish  
1089 family Salmonidae, including(~~(, but not limited to)~~):

1090 A. Chinook, coho, chum, sockeye, and pink salmon;

1091 B. Rainbow, steelhead, and cutthroat (~~(salmon, which are also known as)~~) trout;

1092 C. (~~(Brown trout;~~

1093 ~~D. Brook, b))~~ Bull trout, which is (~~(also known as)~~) a type of char, and Dolly

1094 Varden char;

1095 (~~(E.))~~ D. Kokanee; (~~and~~

1096 ~~F.))~~ E. Pygmy whitefish; and

1097 F. Mountain whitefish.

1098 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter

1099 21A.06 a new section to read as follows:

1100 Special flood hazard area or area of special flood hazard: the land subject to  
1101 inundation by the base flood. Special flood hazard areas (SFHA or area of special flood  
1102 hazard) are designated on flood insurance rate maps with the letters "A" or "V" including  
1103 AE, AO, AH, A1-99, and VE.

1104 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter

1105 21A.06 a new section to read as follows:

1106 Species of local importance: a species designated by the county in the  
1107 Comprehensive Plan to be of local concern due to their population status, sensitivity to  
1108 habitat alteration, or that are game species.

1109 SECTION 33. Ordinance 10870, Section 288, as amended, and K.C.C.

1110 21A.06.1240 are hereby amended to read as follows:

1111 Stream: an aquatic area where surface water produces a channel, not including a  
1112 wholly artificial channel~~((;))~~ unless ~~((#))~~ the artificial channel is:

1113 A. Used by ~~((salmonids))~~ fish; or

1114 B. Used to convey a stream or wetland that occurred naturally before  
1115 construction of the artificial channel.

1116 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter  
1117 21A.06 a new section to read as follows:

1118 Tsunami hazard area: a geologically hazardous area susceptible to flooding,  
1119 inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but  
1120 not limited to, those areas shown on the Washington Geological Survey Digital Data Series  
1121 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood  
1122 Insurance Rate Maps.

1123 SECTION 35. Ordinance 10870, Section 314, as amended, and K.C.C.  
1124 21A.06.1370 are hereby amended to read as follows:

1125 Volcanic hazard area: ~~((an))~~ a geologically hazardous area subject to pyroclastic  
1126 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,  
1127 or related flooding resulting from volcanic activity on Mount Rainier, delineated based  
1128 on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

1129 SECTION 36. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are  
1130 hereby amended to read as follows:

1131 Wetland functions: ~~((natural processes performed by wetlands including~~  
1132 ~~functions which are important in facilitating food chain production, providing habitat for~~  
1133 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~

1134 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~  
1135 ~~aquifers and moderating surface and storm water flows, as well as performing other~~  
1136 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~  
1137 ~~physical, biological, chemical, and geologic interactions among different components of~~  
1138 ~~the environment that occur within a wetland. Wetland functions include, but are not~~  
1139 ~~limited to, functions that improve water quality, functions that change the water regime in~~  
1140 ~~a watershed such as flood storage, and functions that provide habitat for plants and~~  
1141 ~~animals.~~

1142 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter  
1143 21A.06 a new section to read as follows:

1144 Wetland values: wetland processes, characteristics, or attributes that are  
1145 considered to benefit society.

1146 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter  
1147 21A.06 a new section to read as follows:

1148 Wildlife lighting: measures applied to exterior lighting to reduce impacts to wildlife.

1149 SECTION 39. Ordinance 10870, Section 448, as amended, and K.C.C.  
1150 21A.24.010 are hereby amended to read as follows:

1151 The purpose of this chapter is to implement the goals and policies of the Growth  
1152 Management Act, chapter 3670A RCW, Washington state Environmental Policy Act,  
1153 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for  
1154 protection of the natural environment and the public health and safety by:

1155 A. Establishing development and alteration standards to protect functions and  
1156 values of critical areas;

1157 B. Protecting members of the general public and public resources and facilities  
1158 from injury, loss of life, property damage, or financial loss due to flooding, erosion,  
1159 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil  
1160 subsidence, or steep slope failures;

1161 C. Protecting unique, fragile, and valuable elements of the environment  
1162 including, but not limited to, fish and wildlife and their habitats, ~~((and))~~ while  
1163 maintaining and promoting countywide native biodiversity;

1164 D. Requiring prioritization of avoidance and minimization measures, followed by  
1165 mitigation of ~~((unavoidable))~~ adverse impacts to critical areas ~~((, by regulating alterations~~  
1166 ~~in or near critical areas))~~ and associated buffers;

1167 E. Preventing cumulative adverse environmental impacts on water availability,  
1168 water quality, ground water, wetlands, and aquatic areas;

1169 F. Measuring the quantity and quality of wetland and aquatic area resources and  
1170 preventing overall net loss of wetland and aquatic area functions;

1171 G. Protecting the public trust as to navigable waters, aquatic resources, and fish  
1172 and wildlife and their habitat;

1173 H. Meeting the requirements of the National Flood Insurance Program and  
1174 maintaining King County as an eligible community for federal flood insurance benefits;

1175 I. Alerting members of the public including, but not limited to, appraisers,  
1176 owners, potential buyers, or lessees to the development limitations of critical areas; and

1177 J. Providing county officials with sufficient information ~~((to protect))~~ at the time  
1178 of permit application submittal to determine whether proposed land uses, activities, or  
1179 development could negatively impact critical areas.

1180            SECTION 40. Ordinance 10870, Section 449, as amended, and K.C.C.

1181 21A.24.020 are hereby amended to read as follows:

1182            A. This chapter applies to all land uses and activities in King County, and all  
1183 persons within the county shall comply with this chapter.

1184            B. King County shall not approve any permit or otherwise issue any authorization  
1185 to alter the condition of any land, water, or vegetation or to construct or alter any  
1186 structure or improvement without first ensuring compliance with this chapter.

1187            C. Approval of a development proposal in accordance with this chapter does not  
1188 discharge the obligation of the applicant to comply with this chapter.

1189            D. If an area or site contains more than one critical area or natural resource land  
1190 use designation, all designations shall apply.

1191            E. When ~~((any other chapter))~~ another provision of the King County Code  
1192 conflicts with this chapter or when the provisions of this chapter are in conflict, the  
1193 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~  
1194 critical areas shall apply unless specifically provided otherwise in this chapter or unless  
1195 the provision conflicts with federal or state laws or regulations.

1196            ~~((E.))~~ F. This chapter applies to all forest practices over which the county has  
1197 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

1198            SECTION 41. Ordinance 15051, Section 137, as amended, and K.C.C.

1199 21A.24.045 are hereby amended to read as follows:

1200            A. Within the following ~~((seven))~~ critical areas and their buffers ~~((all))~~ alterations  
1201 are allowed if the alteration complies with the development standards, and prioritizes

1202 impact avoidance and minimization measures, ~~((and))~~ followed by mitigation  
1203 requirements and other applicable requirements established in this chapter:

- 1204 1. Critical aquifer recharge areas;
- 1205 2. Coal mine hazard areas;
- 1206 3. Erosion hazard areas;
- 1207 4. Flood hazard areas except in the severe channel migration hazard areas;
- 1208 5. Landslide hazard areas under forty percent slope;
- 1209 6. Seismic hazard areas; ~~((and))~~
- 1210 7. Tsunami hazard areas; and
- 1211 8. Volcanic hazard areas.

1212 B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed  
1213 as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the  
1214 table in subsection C. of this section are allowed if the alteration complies with  
1215 conditions in subsection D. of this section and the development standards, and prioritizes  
1216 impact avoidance and minimization measures, ~~((and))~~ followed by mitigation  
1217 requirements and other applicable requirements established in this chapter:

- 1218 1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;
- 1219 2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;
- 1220 3. ~~((Steep slope hazard area))~~ Landslide hazard areas over forty percent slope;
- 1221 4. ~~((Wetland))~~ Riparian areas;
- 1222 5. ~~((Aquatic area))~~ Severe channel migration hazard areas;
- 1223 6. ~~((Wildlife habitat conservation area; and))~~ Steep slope hazard areas;
- 1224 7. ~~((Wildlife habitat network))~~ Wetlands;

1225 8. Wildlife habitat conservation areas; and

1226 9. Wildlife habitat networks.

1227 C. In the following table where an activity is included in more than one activity  
 1228 category, the numbered conditions applicable to the most specific description of the  
 1229 activity governs. Where more than one numbered condition appears for a listed activity,  
 1230 each of the relevant conditions specified for that activity within the given critical area  
 1231 applies. For alterations involving more than one critical area, compliance with the  
 1232 conditions applicable to each critical area is required.

<p>A= ((<del>alternation</del>)) <u>Alteration</u> is allowed. Numbers indicate applicable development condition in subsection D. of this section.</p>	<p>Landslide Hazard <u>Areas</u> Over 40% and Buffer</p>	<p><u>Alluvia</u> 1 Fan <u>Hazard</u> <u>Areas</u></p>	<p>Steep Slope Hazard <u>Areas</u> and Buffer</p>	<p>Wetland and Buffer</p>	<p>Aquatic Areas (<del>and Buffer</del>), <u>Riparian</u> <u>Areas</u>, and Severe Channel Migration <u>Hazard</u> <u>Areas</u></p>	<p>Wildlife Habitat Conservati on Areas and Wildlife Habitat Networks</p>
<p><b>Structures</b></p>						
<p>Construction of new single detached dwelling unit</p>				<p>A 1</p>	<p>((A-2))</p>	
<p>Construction of a new tree-</p>				<p>A 64</p>	<p>A 64</p>	<p>A 64</p>

supported structure						
<del>((Construction of nonresidential structure))</del>				<del>((A 3))</del>	<del>((A-3))</del>	<del>((A-3,4))</del>
Maintenance or repair of existing structure	A 5	<u>A 5, 6</u>	A <u>5</u>	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	<u>A 5, 6, 7</u>	A 5, 7	A 7, 8	A 6, 7, 8	A 4, <u>7, 8</u>
Interior remodeling	A		A	A	A	A
Construction of new dock or pier				A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11	A 4
<b>Grading</b>						
Grading		<u>A 13, 15, 70</u>	A 13		A 14	A 4, <del>((14))</del>
Construction of new slope stabilization	A <u>15, 16</u>	<u>A 15, 16</u>	A 15, <u>16</u>	A <u>15, 16</u>	A <u>15, 16</u>	A 4, 15, <u>16</u>
Maintenance of existing slope stabilization	A <u>15, 16</u>	<u>A 15, 16</u>	A <del>((13))</del> <u>15, 16</u>	A <u>16, 17</u>	A 16, 17	A 4
Mineral extraction	A		A			
<b>Clearing</b>						



Clearing	A 18	<u>A 18</u>	A 18	A 18, 20	A 14, 18, 20	A 4, <del>((14,))</del> 18, 20
Cutting firewood		<u>A 21</u>	A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
<del>((Removal of vegetation for fire safety))</del> <u>Tree 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	<u>A 23</u>	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>						
Forest management activity	A	<u>A</u>	A	A	A	A 25
<b>Roads</b>						
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				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Expansion beyond public road	A	<u>A 26</u>	A	A 26	A 26	

right-of way structure						
Repair, replacement, or modification within the roadway	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	<u>A 28,</u> <u>70</u>	A 28	A 28	A 28	A 28
<del>((Construction of farm field access drive))</del>	<del>((A 29))</del>		<del>((A 29))</del>	<del>((A 29))</del>	<del>((A 29))</del>	<del>((A 29))</del>
Maintenance of driveway, private access road, <del>((farm field access drive))</del> or parking lot	A	<u>A 17</u>	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 39,</u> <u>70</u>	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>						
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	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	<u>A 16,</u>	A 16,	A 16, 17,	A <u>16,</u> 17, 31	A <del>((4))</del> <u>27</u>

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

Construction of new surface water conveyance system	A 32, 33	<u>A 32, 33, 38</u>	A 32, 33	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 <u>32, 33</u>	<u>A 16, 32, 33, 40, 41</u>	A <u>32, 33</u>	A 16, 32, 38	A 16, <u>32, 38, 40, 41</u>	A 4, <u>32, 37</u>
Construction of new surface water flow control or surface water quality treatment facility		<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, 42</u>		A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	<u>A 33, 43</u>	A 33, 43	A 43	A 43	A 27, 43
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	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	<u>A 16</u>	A	A	A	A 4
<b>Recreation</b>						
Construction of new trail	A 46	<u>A 46,</u> <u>47</u>	A 46	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
<b>Habitat, education, and science projects</b>						
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>		A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, <u>or for monitoring and data collection within critical areas</u>	A 51	<u>A 51</u>	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	<u>A 62</u>	A 62	A 62	A 62	A 62

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

waterway						
Construction or maintenance of farm pond, fish pond, or livestock watering pond	<del>((A 53))</del>	<u>A 53, 54</u>	<del>((A 53))</del>	A 53, 54	A 53, 54	A 53, 54
<u>Construction or maintenance of farm field access drive</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>	<u>A 29</u>
<u>Construction of nonresidential structure</u>		<u>A 3</u>		<u>A 3</u>	<u>A 3</u>	<u>A 3, 4</u>
<b>Other</b>						
Shoreline water dependent or shoreline water oriented use					A 65	
Excavation of cemetery graves in established and approved cemetery	A	<u>A</u>	A	A	A	A
Maintenance of cemetery graves	A	<u>A</u>	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	<u>A 59</u>	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1233 D. The following alteration conditions apply:

- 1234 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 1235 limitations of subsection D.3. of this section.

1236           2. (~~Only allowed in a buffer of a lake that is twenty acres or larger on a lot that~~  
1237 ~~was created before January 1, 2005, if:~~

1238           a. ~~at least seventy five percent of the lots abutting the shoreline of the lake or~~  
1239 ~~seventy five percent of the lake frontage, whichever constitutes the most developable~~  
1240 ~~lake frontage, has existing density of four dwelling units per acre or more;~~

1241           b. ~~the development proposal, including mitigation required by this chapter, will~~  
1242 ~~have the least adverse impact on the critical area;~~

1243           c. ~~existing native vegetation within the critical area buffer will remain~~  
1244 ~~undisturbed except as necessary to accommodate the development proposal and required~~  
1245 ~~building setbacks;~~

1246           d. ~~access is located to have the least adverse impact on the critical area and~~  
1247 ~~critical area buffer;~~

1248           e. ~~the site alteration is the minimum necessary to accommodate the~~  
1249 ~~development proposal and in no case in excess of five thousand square feet;~~

1250           f. ~~the alteration is no closer than:~~

1251           (1) ~~on a site with a shoreline environment designation of high intensity or~~  
1252 ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~  
1253 ~~on either side of the subject property, as measured from the ordinary high water mark of~~  
1254 ~~the lake shoreline;~~

1255           (2) ~~on a site with a shoreline environment designation of rural, conservancy,~~  
1256 ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~  
1257 ~~lots on either side of the subject property, as measured from the ordinary high water~~  
1258 ~~mark; and~~



1259           ~~(3) on a site with a shoreline environment designation of natural, the greater~~  
1260 ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~  
1261 ~~subject property, as measured from the ordinary high water mark; and~~

1262           ~~g. to the maximum extent practical, alterations are mitigated on the~~  
1263 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~

1264 Repealed.

1265           3. Limited to nonresidential farm-structures in grazed or tilled wet meadows,  
1266 ~~((or))~~ wetland buffers ~~((of wetlands))~~, or ~~((aquatic))~~ riparian areas where:

1267           a. the site is predominantly used for the practice of ~~((agriculture))~~ agricultural  
1268 activities;

1269           b. the structure is in compliance with an approved farm management plan in  
1270 accordance with K.C.C. 21A.24.051;

1271           c. the structure is either:

1272           (1) on or adjacent to existing nonresidential impervious surface areas,  
1273 additional impervious surface area is not created waterward of any existing impervious  
1274 surface areas, and the area was not used for crop production;

1275           (2) higher in elevation and no closer to the critical area than its existing  
1276 position; or

1277           (3) at a location away from existing impervious surface areas that is  
1278 determined to be the optimum site in the farm management plan;

1279           d. all best management practices associated with the structure specified in the  
1280 farm management plan are installed and maintained;

1281 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
1282 require the development of a farm management plan if required best management  
1283 practices are followed and the installation does not require clearing of critical areas or  
1284 their buffers; and

1285 f. in an alluvial fan hazard area or a severe channel migration hazard area  
1286 ~~((portion of an aquatic buffer only))~~ if:

1287 (1) there is no feasible alternative location on-site;

1288 (2) the structure is located where it is least subject to risk from alluvial fan  
1289 hazards or channel migration;

1290 (3) the structure is not used to house animals or store hazardous substances;

1291 and

1292 (4) the total footprint of all accessory structures within the severe channel  
1293 migration hazard area will not exceed the greater of one thousand square feet or two  
1294 percent of the severe channel migration hazard area on the site.

1295 4. No clearing, external construction, or other disturbance in a wildlife habitat  
1296 conservation area is allowed during breeding seasons established under K.C.C.  
1297 21A.24.382.

1298 5. Allowed for structures when:

1299 a. the landslide hazard, steep slope hazard, or alluvial fan hazard poses little  
1300 ~~((or))~~ to no risk of injury;

1301 b. the hazard risks ~~((of landsliding is))~~ from landslides, steep slopes, or alluvial  
1302 fans are low; and

1303 c. there is no ~~((t-an))~~ expansion of the structure.

1304           6. Within an alluvial fan hazard area or severe channel migration hazard area  
1305 allowed for:

1306           a. existing legally established primary structures if:

1307                 (1) there is not an increase of the footprint of any existing structure; and

1308                 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1309 and

1310           b. existing legally established accessory structures if:

1311                 (1) additions to the footprint will not make the total footprint of all existing  
1312 structures more than one((-) thousand square feet; and

1313                 (2) there is no(~~tan~~) expansion of the footprint towards any source of

1314 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that  
1315 the location is less subject to risk and has less impact on the critical area.

1316           7. Allowed only in (~~(grazed wet meadows or the)~~) a critical area, associated  
1317 buffer, or (~~(building)~~) critical area setback outside a severe channel migration hazard area  
1318 if:

1319           a. the expansion or replacement does not increase the footprint of a  
1320 nonresidential structure;

1321           b.(1) for a legally established dwelling unit, the expansion or replacement,  
1322 including any expansion of a legally established accessory structure allowed under this  
1323 subsection B.7.b., does not increase the footprint of the dwelling unit and all other  
1324 structures by more than one thousand square feet, not including any expansion of a  
1325 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent  
1326 practical, the replacement or expansion of a drainfield in the buffer should be located

1327 within areas of existing lawn or landscaping, unless another location will have a lesser  
1328 impact on the critical area and ~~((its))~~ associated buffer;

1329 (2) for a structure accessory to a dwelling unit, the expansion or replacement  
1330 is located on or adjacent to existing impervious surface areas and does not result in a  
1331 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
1332 more than one thousand square feet;

1333 (3) the location of the expansion has the least adverse impact on the critical  
1334 area; and

1335 (4) a comparable area of degraded buffer area shall be enhanced through  
1336 removal of nonnative plants and replacement with native vegetation or climate-smart  
1337 plants in accordance with an approved ~~((landscaping))~~ mitigation plan;

1338 c. the structure was not established as the result of an alteration exception,  
1339 variance, buffer averaging or reasonable use exception;

1340 d. to the maximum extent practical, the expansion or replacement is not  
1341 located closer to the critical area or within the relic of a channel that can be connected to  
1342 an aquatic area; and

1343 e. The expansion of a residential structure in ~~((the buffer of))~~ a riparian area  
1344 adjacent to a ~~((F))~~ type S aquatic area that extends towards the ordinary high water mark  
1345 requires a shoreline variance if:

1346 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

1347 (2) the expansion is between thirty-five and fifty feet of the ordinary high  
1348 water mark and the area of the expansion extending towards the ordinary high water mark  
1349 is greater than three hundred square feet.

1350 8. Allowed upon another portion of an existing impervious surface outside a  
1351 severe channel migration hazard area if:

1352 a. except as otherwise allowed under subsection D.7. of this section, the  
1353 structure is not located closer to the critical area;

1354 b. except as otherwise allowed under subsection D.7. of this section, the  
1355 existing impervious surface within the critical area or buffer is not expanded; and

1356 c. the degraded buffer area is enhanced through removal of nonnative plants  
1357 and replacement with native vegetation or climate-smart plants in accordance with an  
1358 approved (~~(landscaping)~~) mitigation plan.

1359 9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland  
1360 or (~~(its)~~) associated buffer or along a lake shoreline or (~~(its buffer)~~) the adjacent riparian  
1361 area where:

1362 a. the vegetation where the alteration is proposed does not consist of dominant  
1363 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
1364 of this vegetation is not the result of any violation of law;

1365 b. the wetland or lake shoreline is not a salmonid spawning area;

1366 c. hazardous substances or toxic materials are not used; and

1367 d. if located in a freshwater lake, the pier or dock conforms to the standards for  
1368 docks under K.C.C. 21A.25.180.

1369 10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
1370 materials are not used.

1371 11. Allowed on type S or F aquatic areas outside of the severe channel  
1372 migration hazard area if in compliance with K.C.C. 21A.25.180.

1373 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

1374 13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
1375 grading activity.

1376 14. ~~((The following are allowed in the severe channel migration hazard area if  
1377 conducted more than one hundred sixty five feet from the ordinary high water mark in  
1378 the rural area and natural resource lands and one hundred fifteen feet from the ordinary  
1379 high water mark in the urban area:~~

1380 a. ~~grading of up to fifty cubic yards on lot less than five acres; and~~

1381 b. ~~clearing of up to one thousand square feet or up to a cumulative thirty five  
1382 percent of the severe channel migration hazard area.)) Repealed.~~

1383 15. Only where erosion or landsliding threatens a primary structure, utility  
1384 facility, roadway, driveway, or public trails, ~~((aquatic area or wetland if,))~~ and to the  
1385 maximum extent practical, stabilization work does not disturb the slope and its vegetative  
1386 cover and any associated critical areas.

1387 16. Allowed ~~((when))~~ for projects performed by, at the direction of, or  
1388 authorized by a government agency in accordance with regional road construction and  
1389 maintenance guidelines.

1390 17. Allowed ~~((when))~~ for projects not performed under the direction of a  
1391 government agency only if:

1392 a. the maintenance or expansion does not involve the use of herbicides,  
1393 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian  
1394 areas, wetlands, or ~~((their))~~ associated buffers; and

1395           b. when maintenance, expansion, or replacement of bridges or culverts  
1396 involves water used by salmonids:

1397           (1) the work ~~((is in compliance))~~ complies with ditch standards in public rule;  
1398 and

1399           (2) the maintenance of culverts is limited to removal of sediment and debris  
1400 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
1401 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
1402 excavation of a new sediment trap adjacent to the inlet.

1403           18. Allowed for the removal of hazard trees and vegetation as necessary for  
1404 surveying or testing purposes.

1405           19. The limited trimming, pruning, or removal of vegetation under a vegetation  
1406 management plan approved by the department:

1407           a. in steep slope and landslide hazard areas, for the making and maintenance of  
1408 view corridors; and

1409           b. in all critical areas for habitat enhancement, invasive species control, or  
1410 forest management activities.

1411           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or  
1412 fruits, for restoration and enhancement projects is allowed.

1413           21. Cutting of firewood is subject to the following:

1414           a. not allowed within a wildlife habitat conservation area, wetland, aquatic  
1415 area, steep slope hazard area, or on a tree containing an active nest ~~((cutting firewood is~~  
1416 ~~not allowed))~~);

1417           b. within a wildlife habitat network, cutting shall be in accordance with a  
1418 management plan approved under K.C.C. 21A.24.386; and

1419           c. when firewood is for personal use, cutting is allowed within ~~((a))~~ critical  
1420 areas and critical area buffers~~((, cutting shall be for personal use and))~~ when done in  
1421 accordance with an approved forest management plan ~~((or rural stewardship plan))~~.

1422           22. ~~((Allowed only in buffers if in accordance with best management practices  
1423 approved by the King County fire marshal))~~ Not allowed in wetlands, aquatic areas,  
1424 wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise,  
1425 allowed in critical areas and associated buffers within the wildland urban interface if  
1426 limited to the activities listed in K.C.C. 16.82.051.E.23.

1427           23. Allowed as follows:

1428           a. if conducted in accordance with an approved forest management plan~~((;))~~ or  
1429 farm management plan~~((, or rural stewardship plan))~~; or

1430           b. without an approved forest management plan~~((;))~~ or farm management  
1431 plan~~((, or rural stewardship plan))~~, only if:

1432           (1) removal is undertaken with hand labor, including hand-held mechanical  
1433 tools, unless the King County noxious weed control board otherwise prescribes the use of  
1434 riding mowers, light mechanical cultivating equipment, or herbicides or biological  
1435 control methods;

1436           (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1437           (3) the cleared area is revegetated with native vegetation or climate-smart  
1438 plants and stabilized against erosion; and

1439           (4) herbicide use is in accordance with federal and state law~~((;))~~.



- 1440           24. Allowed to repair or replace existing on site wastewater disposal systems in  
1441 accordance with the applicable public health standards within Marine Recovery Areas  
1442 adopted by ~~((the P))~~public ~~((H))~~health – Seattle & King County and:
- 1443           a. there is no alternative location available with less impact on the critical area;
  - 1444           b. impacts to the critical area are minimized to the maximum extent  
1445 practicable;
  - 1446           c. the alterations will not subject the critical area to increased risk of landslide  
1447 or erosion;
  - 1448           d. vegetation removal is the minimum necessary to accommodate the septic  
1449 system; and
  - 1450           e. significant risk of personal injury is eliminated or minimized in the landslide  
1451 hazard area.
- 1452           25. Only if in compliance with published Washington state Department of Fish  
1453 and Wildlife and Washington state Department of Natural Resources Management  
1454 standards for the species. If there are no published Washington state standards, only if in  
1455 compliance with management standards determined by the county to be consistent with  
1456 best available science.
- 1457           26. Allowed only if:
- 1458           a. there is no~~((t))~~ ~~((an))~~other feasible location with less adverse impact on the  
1459 critical area and ~~((its))~~ associated buffer;
  - 1460           b. the corridor is not located over habitat used for salmonid rearing or  
1461 spawning or by a species listed as endangered or threatened by the state or federal

1462 government unless the department determines that there is no other feasible crossing  
1463 site((:));

1464 c. the corridor width is minimized to the maximum extent practical;

1465 d. the construction occurs during approved periods for instream work;

1466 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
1467 duration, or volume or the flood storage capacity; and

1468 f. no new public right-of-way is established within a severe channel migration  
1469 hazard area.

1470 27. To the maximum extent practical, during breeding season established under  
1471 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy  
1472 equipment are not operated within a wildlife habitat conservation area.

1473 28. Allowed only if:

1474 a. an alternative access is not available;

1475 b. impact to the critical area is minimized to the maximum extent practical  
1476 including the use of walls to limit the amount of cut and fill necessary;

1477 c. the risk associated with landslide and erosion is minimized;

1478 d. access is located where it is least subject to risk from channel migration; and

1479 e. construction occurs during approved periods for instream work.

1480 29. Allowed ((Θ))only on sites currently involved in the practice of agricultural  
1481 activities if:

1482 a. in compliance with a farm management plan in accordance with K.C.C.  
1483 21A.24.051, and constructed using best management practices approved by the  
1484 permitting division;

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1485            b. there is no other feasible location with less adverse impact on critical areas  
1486 and associated buffers;

1487            c. in compliance with the farmland dispersion requirements of the King  
1488 County Surface Water Design Manual;

1489            d. access is located where it is least subject to risk from channel migration;

1490            e. a floodplain development permit is obtained for any action within the  
1491 floodplain; and

1492            f. all other required state and federal permits have been obtained and actions  
1493 comply with such permits.

1494            30. Allowed only if:

1495            a. the new construction or replacement is made fish passable in accordance  
1496 with the most recent Washington state Department of Fish and Wildlife manuals or with  
1497 the National Marine and Fisheries Services guidelines for federally listed salmonid  
1498 species; and

1499            b. the site is restored with appropriate native vegetation or climate-smart plants  
1500 in accordance with an approved mitigation plan.

1501            31. Allowed if necessary to bring the bridge or culvert up to current standards  
1502 and if:

1503            a. there is no(~~+-an~~) other feasible alternative available with less impact on the  
1504 aquatic area and (~~its buffer~~) adjacent riparian area; and

1505            b. to the maximum extent practical, the bridge or culvert is located to minimize  
1506 impacts to the aquatic area and (~~its buffers~~) adjacent riparian area.

1507           32. Allowed in an existing roadway if conducted consistent with the regional  
1508 road maintenance guidelines.

1509           33. Allowed outside the roadway if:

1510           a. the alterations will not subject the critical area to an increased risk ~~((of))~~  
1511 from landslide, alluvial fan, or erosion hazards;

1512           b. vegetation removal is the minimum necessary to locate the utility or  
1513 construct the corridor; and

1514           c. significant risk of personal injury is eliminated or minimized in the landslide  
1515 or alluvial fan hazard area.

1516           34. Limited to the pipelines, cables, wires, and support structures of utility  
1517 facilities within utility corridors if:

1518           a. there is no alternative location with less adverse impact on the critical area  
1519 and critical area buffer;

1520           b. new utility corridors meet ~~((all of))~~ the following to the maximum extent  
1521 practical:

1522           (1) are not located over habitat used for salmonid rearing or spawning or by a  
1523 species listed as endangered or threatened by the state or federal government unless the  
1524 department determines that there is no other feasible crossing site;

1525           (2) the mean annual flow rate is less than twenty cubic feet per second; and

1526           (3) paralleling the channel or following a down-valley route near the channel  
1527 is avoided;

1528           c. to the maximum extent practical utility corridors are located so that:

1529           (1) the width is the minimized;

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1530                   (2) the removal of trees greater than twelve inches diameter at breast height is  
1531 minimized;

1532                   (3) an additional, contiguous, and undisturbed critical area buffer, equal in  
1533 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
1534 provided to protect the critical area;

1535                   d. to the maximum extent practical, access for maintenance is at limited access  
1536 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
1537 maintenance road is necessary, the following standards are met:

1538                   (1) to the maximum extent practical, the width of the maintenance road is  
1539 minimized and in no event greater than fifteen feet; and

1540                   (2) the location of the maintenance road is contiguous to the utility corridor  
1541 on the side of the utility corridor farthest from the critical area;

1542                   e. the utility corridor or facility will not adversely impact the overall critical  
1543 area hydrology or diminish flood storage capacity;

1544                   f. the construction occurs during approved periods for instream work;

1545                   g. the utility corridor serves multiple purposes and properties to the maximum  
1546 extent practical;

1547                   h. bridges or other construction techniques that do not disturb the critical areas  
1548 are used to the maximum extent practical;

1549                   i. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed at  
1550 least four feet below the maximum depth of scour for the base flood;

1551                   j. bridge piers or abutments for bridge crossing are not placed within the  
1552 FEMA floodway or the ordinary high water mark;

1553 k. open trenching is only used during low flow periods or only within aquatic  
1554 areas when they are dry. The department may approve open trenching of type S or F  
1555 aquatic areas only if there is not a feasible alternative and equivalent or greater  
1556 environmental protection can be achieved; and

1557 1. minor communication facilities may collocate on existing utility facilities if:

1558 (1) no new transmission support structure is required; and

1559 (2) equipment cabinets are located on the transmission support structure.

1560 35. Allowed only for new utility facilities in existing utility corridors.

1561 36. Allowed for onsite private individual utility service connections or private  
1562 or public utilities if the disturbed area is not expanded and no hazardous substances,  
1563 pesticides or fertilizers are applied.

1564 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
1565 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are  
1566 applied.

1567 38. Allowed if:

1568 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~  
1569 riparian area, and discharging into the wetland buffer or ~~((aquatic area buffer))~~ riparian  
1570 area or at the wetland or aquatic area edge, has less adverse impact upon the wetland  
1571 ~~((or)), wetland buffer, aquatic area, or riparian area ((or wetland or aquatic area buffer))~~  
1572 than if the surface water were discharged at the ~~buffer((s))~~ riparian area edge and  
1573 allowed to naturally drain through the buffer or riparian area;

1574           b. the volume of discharge is minimized through application of low impact  
1575 development and water quality measures identified in the King County Surface Water  
1576 Design Manual;

1577           c. the conveyance and outfall are installed with hand equipment where  
1578 feasible;

1579           d. the outfall shall include bioengineering techniques where feasible; and

1580           e. the outfall is designed to minimize adverse impacts to critical areas.

1581           39. Allowed only if:

1582           a. there is no feasible alternative with less impact on the critical area and ~~((its))~~  
1583 associated buffer;

1584           b. to the maximum extent practical, the bridge or culvert is located to minimize  
1585 impacts to the critical area and ~~((its))~~ associated buffer;

1586           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
1587 spawning unless there is no other feasible crossing site;

1588           d. construction occurs during approved periods for in-stream work; and

1589           e. bridge piers or abutments for bridge crossings are not placed within the  
1590 FEMA floodway, severe channel migration hazard area<sub>2</sub>, or waterward of the ordinary  
1591 high water mark.

1592           40. Allowed for an open, vegetated stormwater management conveyance system  
1593 and outfall structure that simulates natural conditions if:

1594           a. fish habitat features necessary for feeding, cover<sub>1</sub>, and reproduction are  
1595 included when appropriate;

1596           b. vegetation is maintained and added adjacent to all open channels and ponds,  
1597 if necessary to prevent erosion, filter out sediments, or shade the water; and

1598           c. bioengineering techniques are used to the maximum extent practical.

1599           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

1600           a. necessary to avoid erosion of slopes; and

1601           b. bioengineering techniques are used to the maximum extent practical.

1602           42. Allowed in a severe channel migration hazard area, riparian area, or an

1603 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:

1604           a. if consistent with the Integrated Streambank Protection Guidelines

1605 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

1606 techniques are used to the maximum extent practical, unless the applicant demonstrates

1607 that other methods provide equivalent structural stabilization and environmental function;

1608           b. based on a critical area((s)) report, the department determines that the new

1609 flood protection facility will not cause ~~((significant))~~ adverse impacts to upstream or

1610 downstream properties; and

1611           c. to prevent bank erosion for the protection of:

1612           (1) public roadways;

1613           (2) sole access routes in existence before February 16, 1995;

1614           (3) new primary dwelling units, accessory dwelling units, or accessory living

1615 quarters and residential accessory structures located outside the severe channel migration

1616 hazard area if:

1617           (a) the site is adjacent to or abutted by properties on both sides containing

1618 buildings or sole access routes protected by legal bank stabilization in existence before



1619 February 16, 1995. The buildings, sole access routes, or bank stabilization must be  
1620 located no more than six hundred feet apart as measured parallel to the migrating  
1621 channel; and

1622 (b) the new primary dwelling units, accessory dwelling units, accessory  
1623 living quarters or residential accessory structures are located no closer to the aquatic area  
1624 than existing primary dwelling units, accessory dwelling units, accessory living quarters,  
1625 or residential accessory structures on abutting or adjacent properties; or

1626 (4) existing primary dwelling units, accessory dwelling units, accessory living  
1627 quarters, or residential accessory structures if:

1628 (a) the structure was in existence before the adoption date of a King County  
1629 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

1630 (b) the structure is in imminent danger, as determined by a (~~geologist,~~  
1631 ~~engineering geologist or geotechnical engineer~~) geological professional;

1632 (c) the applicant has demonstrated that the existing structure is at risk, and  
1633 the structure and supporting infrastructure cannot be relocated on the lot further from the  
1634 source of channel migration; and

1635 (d) nonstructural measures are not feasible.

1636 43. Applies to lawfully established existing structures if:

1637 a. the height of the facility is not increased, unless the facility is being replaced  
1638 in a new alignment that is landward of the previous alignment and enhances aquatic area  
1639 habitat and process;

1640           b. the linear length of the facility is not increased, unless the facility is being  
1641 replaced in a new alignment that is landward of the previous alignment and enhances  
1642 aquatic area habitat and process;

1643           c. the footprint of the facility is not expanded waterward;

1644           d. consistent with the Integrated Streambank Protection Guidelines  
1645 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering  
1646 techniques are used to the maximum extent practical;

1647           e. the site is restored with appropriate native vegetation, or climate-smart  
1648 plants and erosion protection materials according to an approved mitigation plan; and

1649           f. based on a critical area((s)) report, the department determines that the  
1650 maintenance, repair, replacement, or construction will not cause ((significant)) adverse  
1651 impacts to upstream or downstream properties.

1652           44. Allowed in type N and O aquatic areas if done in the least impacting way at  
1653 the least impacting time of year, in conformance with applicable best management  
1654 practices, and all affected instream and ((buffer)) riparian area features are restored.

1655           45. Allowed in a type S or F water when such work is:

1656           a. included as part of a project to evaluate, restore, mitigate, or ((improve))  
1657 enhance habitat((, and));

1658           b. sponsored or cosponsored by an Indian tribe, ((public)) government agency,  
1659 nonprofit organization that has natural resource management as a function, or ((by a  
1660 federally recognized tribe)) a higher education institution; and

1661           c. in compliance with the criteria of subsection D.49. of this section.

1662 46. Allowed ~~((as long as))~~ if the trail is not constructed of impervious surfaces  
1663 that will contribute to surface water run-off, unless the construction is necessary for soil  
1664 stabilization or soil erosion prevention or unless the trail system is specifically designed  
1665 and intended to be accessible to ~~((handicapped))~~ persons with disabilities.

1666 47. ~~((Not allowed in a wildlife habitat conservation area. Otherwise,~~  
1667 ~~a))~~ Allowed only in ((the buffer)) a riparian area or wetland buffer, or for crossing a  
1668 category II, III, or IV wetland or a type F, N, or O aquatic area~~((s))~~; or a wildlife habitat  
1669 network, if:

1670 a. the trail surface is made of pervious materials, except that public  
1671 multipurpose trails and public trails constructed for access by persons with disabilities  
1672 may be made of impervious materials if they meet all the requirements in K.C.C. chapter  
1673 9.12. A trail section that crosses a wetland or aquatic area shall be constructed as a raised  
1674 boardwalk or bridge;

1675 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat  
1676 network areas are expanded equal to the width of the trail corridor including disturbed  
1677 areas;

1678 c. there is not another feasible location with less adverse impact on the critical  
1679 area and ~~((its))~~ associated buffer;

1680 d. the trail is not located over habitat used for salmonid rearing or spawning or  
1681 by a species listed as endangered or threatened by the state or federal government unless  
1682 the department determines that there is no other feasible crossing site;

1683 e. the trail width is minimized to the maximum extent practical and private  
1684 foot trails are limited to three feet in width;

1685 f. the construction occurs during approved periods for instream work; ~~((and))~~

1686 g. the trail corridor will not change or diminish the overall aquatic area flow

1687 peaks, duration or volume or the flood storage capacity~~((-))~~;

1688 h. the trail shall minimize impacts within a wetland buffer, riparian area, or

1689 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to

1690 the maximum extent practical;

1691 i. trail maintenance or expansion does not involve the use of herbicides,

1692 hazardous substances, sealants, or other liquid oily substances within aquatic areas,

1693 riparian areas, wetlands or associated buffers;

1694 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a

1695 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform

1696 or to a permitted dock or pier; and

1697 ~~((i-A))~~ k. a private viewing platform may be allowed if it is:

1698 (1) located upland from the wetland edge or the ordinary high water mark of

1699 an aquatic area;

1700 (2) located where it will not be detrimental to the functions of the wetland or

1701 aquatic area and will have the least adverse environmental impact on the critical area or

1702 ~~((its))~~ associated buffer;

1703 (3) limited to fifty square feet in size;

1704 (4) constructed of materials that are nontoxic; and

1705 (5) on footings located outside of the wetland or aquatic area.

1706 48. Only if the maintenance:

1707 a. does not involve the use of herbicides or other hazardous substances except  
1708 for the removal of noxious weeds or invasive vegetation;

1709 b. when salmonids are present, the maintenance is in compliance with ditch  
1710 standards in public rule; and

1711 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
1712 culvert, engineered slope, or other improved area being maintained.

1713 49. Limited to alterations to create, restore, or enhance aquatic or wetland  
1714 habitat forming processes or ((directly restore)) habitat functions and values, including  
1715 access for construction, as follows:

1716 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~  
1717 ~~resource management as a primary function or by a federally recognized tribe;~~

1718 b.)) creation, restoration, and enhancement plans shall be prepared by an  
1719 ~~((qualified biologist)) ecological professional; ((or~~

1720 ~~e. conducted in accordance with an approved forest management plan, farm~~  
1721 ~~management plan or rural stewardship plan)) and~~

1722 b. the applicant provides an ecological critical area report that includes the  
1723 following:

1724 (1) an evaluation of the anticipated net change in ecological functions from  
1725 pre-project to post project;

1726 (2) a mitigation plan for impacts to critical areas and associated buffers,  
1727 unless the applicant demonstrates to the satisfaction of the department that the proposed  
1728 project will provide a net ecological benefit and increase in function over the existing  
1729 conditions of the project area; and

1730                    (3) a monitoring and reporting plan to demonstrate the gain of ecological  
1731 function.

1732                    50. Allowed in accordance with a scientific sampling permit issued by  
1733 Washington state Department of Fish and Wildlife or an incidental take permit issued  
1734 under Section 10 of the Endangered Species Act.

1735                    51. Allowed for the minimal clearing and grading, including site access,  
1736 necessary to prepare critical area reports.

1737                    52. The following are allowed if associated spoils are contained:

1738                    a. data collection and research if carried out to the maximum extent practical  
1739 by nonmechanical or hand-held equipment;

1740                    b. survey monument placement;

1741                    c. site exploration and gage installation if performed in accordance with state-  
1742 approved sampling protocols and accomplished to the maximum extent practical by  
1743 hand-held equipment (~~and~~); or

1744                    d. similar work associated with an incidental take permit issued under Section  
1745 10 of the Endangered Species Act or consultation under Section 7 of the Endangered  
1746 Species Act.

1747                    53. Limited to activities in continuous existence since January 1, 2005, with no  
1748 expansion within the critical area or critical area buffer. "Continuous existence" includes  
1749 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
1750 states not exceeding seven years and associated with these horticultural and agricultural  
1751 activities.

1752                    54. Allowed for expansion of existing or new agricultural activities where:

- 1753           a. the site is predominantly involved in the practice of ~~((agriculture))~~  
1754 agricultural activities;
- 1755           b. there is no expansion into an area that:
- 1756               (1) has been cleared under a class I, II, III, IV-S<sub>2</sub> or nonconversion IV-G  
1757 forest practice permit; or
- 1758               (2) is ~~((more than ten thousand square feet with tree cover at a uniform  
1759 density more than ninety trees per acre and with the predominant mainstream diameter of  
1760 the trees at least four inches diameter at breast height))~~ a wetland, wetland buffer, or  
1761 riparian area that contains predominately native forest overstory, shrub, or herbaceous  
1762 layer, not including areas that are actively managed as agricultural crops for pulpwood,  
1763 Christmas trees, or ornamental nursery stock;
- 1764           c. the activities are in compliance with an approved farm management plan in  
1765 accordance with K.C.C. 21A.24.051; and
- 1766           d. all best management practices associated with the activities specified in the  
1767 farm management plan are installed and maintained.
- 1768           55. Only allowed in grazed or tilled wet meadows or ~~((their))~~ associated buffers  
1769 if:
- 1770               a. the facilities are designed to the standards of an approved farm management  
1771 plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ~~((or an  
1772 approved livestock management plan in accordance with K.C.C. chapter 21A.30));~~
- 1773               b. there is not a feasible alternative location available on the site; and
- 1774               c. the facilities are located close to the outside edge of the buffer to the  
1775 maximum extent practical.

1776 56. Only allowed in:

1777 a.(1) a severe channel migration hazard area located outside of the

1778 shoreline(~~s~~) jurisdiction area;

1779 (2) grazed or tilled wet meadow or wet meadow buffer; or

1780 (3) (~~aquatic area buffer~~) grazed or tilled riparian area; and only if:

1781 b.(1) the applicant demonstrates that adverse impacts to the critical area and

1782 critical area buffers have been minimized;

1783 (2) there is (~~not another~~) no other feasible location available on the site that

1784 is located outside of the critical area or critical area buffer;

1785 (3) the farm pad, livestock manure storage facility, or livestock heavy use

1786 area is designed to the standards in an approved farm management plan in accordance

1787 with K.C.C. 21A.24.051; and

1788 (4) for proposals located in the severe channel migration hazard area, the

1789 farm pad, or livestock manure storage facility, or livestock heavy use area is located

1790 where it is least subject to risk from channel migration.

1791 57. Allowed for new agricultural drainage in compliance with an approved farm

1792 management plan in accordance with K.C.C. 21A.24.051 and all best management

1793 practices associated with the activities specified in the farm management plan are

1794 installed and maintained.

1795 58. If the agricultural drainage is used by salmonids, maintenance shall (~~be in~~

1796 ~~compliance~~) comply with an approved farm management plan in accordance with

1797 K.C.C. 21A.24.051.



1798           59. Allowed within existing landscaped areas or other previously disturbed  
1799 areas.

1800           60. Allowed for residential utility service distribution lines to residential  
1801 dwellings, including, but not limited to, well water conveyance, septic system  
1802 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

1803           a. there is no alternative location with less adverse impact on the critical area  
1804 or the critical area buffer;

1805           b. the residential utility service distribution lines meet ~~((all of))~~ the following,  
1806 to the maximum extent practical:

1807           (1) are not located over habitat used for salmonid rearing or spawning or by a  
1808 species listed as endangered or threatened by the state or federal government unless the  
1809 department determines that there is no other feasible crossing site;

1810           (2) not located over a type S aquatic area;

1811           (3) paralleling the channel or following a down-valley route near the channel  
1812 is avoided;

1813           (4) the width of clearing is minimized;

1814           (5) the removal of trees greater than twelve inches diameter at breast height is  
1815 minimized;

1816           (6) an additional, contiguous, and undisturbed critical area buffer, equal in  
1817 area to the disturbed critical area buffer area is provided to protect the critical area;

1818           (7) access for maintenance is at limited access points into the critical area  
1819 buffer.

1820           (8) the construction occurs during approved periods for instream work;

1821 (9) bored, drilled, or other trenchless crossings are (~~is~~) encouraged, and  
1822 shall be laterally constructed at least four feet below the maximum depth of scour for the  
1823 base flood; and

1824 (10) open trenching across Type O or Type N aquatic areas is only used  
1825 during low flow periods or only within aquatic areas when they are dry.

1826 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
1827 district, or the department of natural resources and parks and the department of local  
1828 services, permitting division, determines that the project and its location:

- 1829 a. is the best flood risk reduction alternative practicable;
- 1830 b. is part of a comprehensive, long-term flood management strategy;
- 1831 c. is consistent with the King County Flood Management Plan policies;
- 1832 d. will have the least adverse impact on the ecological functions of the critical  
1833 area or (~~its~~) associated buffer, including habitat for fish and wildlife that are identified  
1834 for protection in the King County Comprehensive Plan; and

1835 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

1836 62.a. Not allowed in wildlife habitat conservation areas;

1837 b. Only allowed if:

1838 (1) the project is sponsored or cosponsored by a public agency whose primary  
1839 function deals with natural resources management;

1840 (2) the project is located on public land or on land that is owned by a  
1841 nonprofit agency whose primary function deals with natural resources management;

1842 (3) there is not a feasible alternative location available on the site with less  
1843 impact to the critical area or (~~its~~) associated buffer;

- 1844 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 1845 (5) the project minimizes the footprint of structures and the number of access  
1846 points to any critical areas; and
- 1847 (6) the project meets the following design criteria:
- 1848 (a) to the maximum extent practical size of platform shall not exceed one  
1849 hundred square feet;
- 1850 (b) all construction materials for any structures, including the platform,  
1851 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as  
1852 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
1853 fiberglass, or cured concrete that the department determines will not have an adverse  
1854 impact on water quality;
- 1855 (c) the exterior of any structures are sufficiently camouflaged using netting  
1856 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
1857 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 1858 (d) structures shall be located outside of the wetland or aquatic area  
1859 landward of the ~~((O))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water  
1860 component, ~~((I))~~if applicable~~((J))~~, to the maximum extent practical on the site;
- 1861 (e) construction occurs during approved periods for work inside the  
1862 ~~((O))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;
- 1863 (f) construction associated with bird blinds shall not occur from March 1  
1864 through August 31, in order to avoid disturbance to birds during the breeding, nesting,  
1865 and rearing seasons;

1866 (g) to the maximum extent practical, provide accessibility for persons with  
1867 physical disabilities in accordance with the International Building Code;

1868 (h) trail access is designed in accordance with public rules adopted by the  
1869 department;

1870 (i) existing native vegetation within the critical area will remain undisturbed  
1871 except as necessary to accommodate the proposal. Only minimal hand clearing of  
1872 vegetation is allowed; and

1873 (j) disturbed bare ground areas around the structure must be ~~((replanted))~~  
1874 revegetated with native vegetation or climate-smart plants approved by the department.

1875 63. Not allowed in the severe channel migration ~~((zone,))~~ hazard area.  
1876 Otherwise allowed if there is no alternative location with less adverse impact on the  
1877 critical area and buffer, and clearing is minimized to the maximum extent practical.

1878 64. Only structures wholly or partially supported by a tree and used as accessory  
1879 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
1880 following:

1881 a. not allowed in wildlife habitat conservation areas, wetlands, aquatic areas, or  
1882 severe channel migration hazard areas;

1883 b. the structure's floor area shall not exceed two hundred square feet, excluding  
1884 a narrow access stairway or landing leading to the structure;

1885 c. the structure shall be located as far from ~~((the critical area))~~ wetlands or  
1886 aquatic areas as practical, but in no case closer than seventy-five feet from ~~((the critical~~  
1887 ~~area))~~ a wetland or an aquatic area;

1888           d. only one tree-supported structure within a critical area buffer or riparian area  
1889 is allowed on a lot;

1890           e. all construction materials for the structure, including the platform, pilings,  
1891 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as  
1892 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
1893 fiberglass, or cured concrete that the department determines will not have an adverse  
1894 impact on water quality;

1895           f. to the maximum extent practical, the exterior of the structure shall be  
1896 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
1897 and visibility from the critical area. The camouflage shall be maintained to retain  
1898 concealment effectiveness;

1899           g. the structure must not adversely impact the long-term health and viability of  
1900 the tree. The evaluation shall include, but not be limited to, the following:

1901           (1) the quantity of supporting anchors and connection points to attach the tree  
1902 house to the tree shall be the minimum necessary to adequately support the structure;

1903           (2) the attachments shall be constructed using the best available tree anchor  
1904 bolt technology; and

1905           (3) an (~~ISA~~) International Society of Arboriculture Certified Arborist shall  
1906 evaluate the tree proposed for placement of the tree house and shall submit a report  
1907 discussing how the tree's long-term health and viability will not be negatively impacted  
1908 by the tree house or associated infrastructure;

1909           h. exterior lighting shall meet the following criteria:

1910 (1) limited to the minimum quantity of lights necessary to meet the building  
1911 code requirements to allow for safe exiting of the structure and stairway; and

1912 (2) exterior lights shall be fully shielded and shall direct light downward, in  
1913 an attempt to minimize impacts to the nighttime environment;

1914 i. unless otherwise approved by the department, all external construction shall  
1915 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
1916 species during typical breeding, nesting, and rearing seasons;

1917 j. trail access to the structure shall be designed in accordance with trail  
1918 standards under subsection D.47. of this section;

1919 k. to the maximum extent practical, existing native vegetation shall be left  
1920 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1921 l. vegetated areas within the critical area buffer or riparian area that are  
1922 temporarily impacted by construction of the structure shall be restored by planting native  
1923 vegetation or climate-smart plants according to a ~~((vegetation management))~~ mitigation  
1924 plan approved by the department.

1925 65. Shoreline water dependent and shoreline water oriented uses are allowed in  
1926 ~~((the aquatic area and aquatic area buffer of a))~~ ~~((T))~~ type S aquatic area and adjacent  
1927 riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the King  
1928 County Comprehensive Plan.

1929 66. Only hydroelectric ~~((generating))~~ generation facilities meeting the  
1930 requirements of K.C.C. 21A.08.100B.14., and only as follows:

1931 a. there is ~~((not another))~~ no other feasible location within the aquatic area with  
1932 less adverse impact on the critical area and ~~((its))~~ associated buffer;

1933           b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid  
1934 rearing or spawning or by a species listed as endangered or threatened by the state or  
1935 federal government unless the department determines that there is no other feasible  
1936 location;

1937           c. the facility is not located in Category I wetlands or Category II wetlands  
1938 with a habitat score of ~~((8))~~ eight points or greater;

1939           d. the corridor width is minimized to the maximum extent practical;

1940           e. paralleling the channel or following a down-valley route within ~~((an aquatic  
1941 area buffer))~~ riparian area is avoided to the maximum extent practical;

1942           f. the construction occurs during approved periods for instream work;

1943           g. the facility and corridor will not change or adversely impact the overall  
1944 aquatic area flow peaks, duration or volume or the flood storage capacity;

1945           h. the facility and corridor ~~((is))~~ are not located within a severe channel  
1946 migration hazard area;

1947           i. to the maximum extent practical, buildings will be located outside the  
1948 wetland buffer or riparian area and away from the wetland or aquatic area ~~((or wetland))~~;

1949           j. to the maximum extent practical, access for maintenance is at limited access  
1950 points into the critical area or associated buffer rather than by a parallel maintenance  
1951 road. If a parallel maintenance road is necessary, the following standards are met:

1952           (1) to the maximum extent practical the width of the maintenance road is  
1953 minimized and in no event greater than fifteen feet; and

1954           (2) the location of the maintenance road is contiguous to the utility corridor  
1955 on the side of the utility corridor farthest from the critical area;

1956 k. the facility does not pose an unreasonable threat to the public health, safety,  
1957 or welfare on or off the development proposal site and is consistent with the general  
1958 purposes of this chapter and the public interest; and

1959 l. the facility connects to or is an alteration to a public roadway, public trail, a  
1960 utility corridor or utility facility,<sup>2</sup> or other infrastructure owned or operated by a public  
1961 utility.

1962 67. Only hydroelectric (~~(generating)~~) generation facilities meeting the  
1963 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

1964 a. there is no(~~an~~) other feasible location with less adverse impact on the  
1965 critical area and (~~(its)~~) associated buffer;

1966 b. the alterations will not subject the critical area to an increased risk of  
1967 landslide or erosion;

1968 c. the corridor width is minimized to the maximum extent practical;

1969 d. vegetation removal is the minimum necessary to locate the utility or  
1970 construct the corridor;

1971 e. the facility and corridor do not pose an unreasonable threat to the public  
1972 health, safety,<sup>2</sup> or welfare on or off the development proposal site and (~~(is)~~) are consistent  
1973 with the general purposes of this chapter, and the public interest and significant risk of  
1974 personal injury (~~(is)~~) are eliminated or minimized in the landslide hazard area; and

1975 f. the facility connects to or is an alteration to a public roadway, public trail, a  
1976 utility corridor or utility facility or other infrastructure owned or operated by a public  
1977 utility.



1978           68. Only for a single detached dwelling unit on a lake twenty acres or larger and  
1979 only as follows:

1980           a. the heat exchanger must be a closed loop system that does not draw water  
1981 from or discharge to the lake;

1982           b. the lake bed shall not be disturbed, except as required by the county or a  
1983 state or federal agency to mitigate for impacts of the heat exchanger;

1984           c. the in-water portion of system is only allowed where water depth exceeds  
1985 six feet; and

1986           d. system structural support for the heat exchanger piping shall be attached to  
1987 an existing dock or pier or be attached to a new structure that meets the requirements of  
1988 K.C.C. 21A.25.180.

1989           69. Only for maintenance of agricultural waterways if:

1990           a. the purpose of the maintenance project is to improve agricultural production  
1991 on a site predominately engaged in the practice of agriculture;

1992           b. the maintenance project is conducted in compliance with a hydraulic project  
1993 approval issued by the Washington state Department of Fish and Wildlife (~~pursuant to~~)  
1994 in accordance with chapter 77.55 RCW;

1995           c. the maintenance project complies with the King County agricultural  
1996 drainage assistance program as agreed to by the Washington state Department of Fish and  
1997 Wildlife, the department of local services, permitting division, and the department of  
1998 natural resources and parks, and as reviewed by the Washington state Department of  
1999 Ecology;

2000 d. the person performing the maintenance and the landowner have attended  
2001 training provided by King County on the King County agricultural drainage assistance  
2002 program and the best management practices required under that program; and

2003 e. the maintenance project complies with K.C.C. chapter 16.82.

2004 70. Only allowed within an alluvial fan hazard area, and overlapping critical  
2005 areas if:

2006 a. in response to an emergency event where channel avulsion or migration is  
2007 imminent or has occurred as a result of a pulse of in-channel sediment or debris  
2008 deposition;

2009 b. to prevent an imminent threat to:

2010 (1) public roadways, utilities, and other infrastructure;

2011 (2) sole access driveways and roads;

2012 (3) primary dwelling units, accessory dwelling units, or accessory living  
2013 quarters, and residential accessory structures;

2014 (4) agricultural activities structures necessary to store equipment, produce, or  
2015 livestock;

2016 c. conducted under an approved emergency authorization request per K.C.C.  
2017 16.082.065;

2018 d. the emergency work is completed within thirty days of receiving a written  
2019 emergency authorization;

2020 e. the emergency work is the minimum necessary bank stabilization, sediment  
2021 removal, or repair of existing infrastructure to mitigate the imminent threat;

2022            f. proposed in-stream work is minimized or results in the least adverse impact  
2023 in the short term to the ecological functions and values of the critical areas present,  
2024 including special consideration for fish or fish eggs in the project area;

2025            g. downstream sediment runoff and turbidity is minimized and does not exceed  
2026 the impact of the emergency event;

2027            h. the applicant provides sufficient notice of work to the department for a  
2028 department representative to be present at the site during work activities, if the  
2029 department determines that observation is necessary;

2030            i. as part of the permitting process following the emergency authorization, the  
2031 applicant proposes compensatory mitigation and additional alterations as necessary to:

2032                    (1) mitigate any adverse ecological impacts of the emergency actions;

2033                    (2) minimize the risk of alluvial fan hazards that could result in the necessity  
2034 of future emergency actions to the maximum extent practical; and

2035                    (3) minimize to the maximum extent practical the frequency and magnitude  
2036 of future adverse ecological impacts that may result from future hazard mitigation  
2037 activities; and

2038            j. nonemergency work required under the subsequent permit occurs during  
2039 approved periods for in-stream work and conforms to all other standards in this chapter.

2040            SECTION 42. Ordinance 15051, Section 138, as amended, and K.C.C.

2041 21A.24.051 are hereby amended to read as follows:

2042            A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are  
2043 allowed to expand within ~~((the buffers of))~~ wetland((s)) buffers, ~~((aquatic areas))~~ riparian  
2044 areas, and wildlife habitat conservation areas,)when an agricultural activity is currently

2045 occurring on the site and the alteration is in compliance with an approved farm  
2046 management plan in accordance with this section or, for livestock activities, a farm  
2047 management plan in accordance with K.C.C. chapter 21A.30.

2048 B. This section does not modify any requirement that the property owner obtain  
2049 permits for activities covered by the farm management plan.

2050 C. The department of natural resources and parks or its designee shall serve as  
2051 the single point of contact for King County in providing information on farm  
2052 management plans for purposes of this title. The department of natural resources and  
2053 parks shall adopt a public rule governing the development of farm management plans.  
2054 The rule may provide for different types of farms management plans related to different  
2055 kinds of agricultural activities, including, but not limited to the best management  
2056 practices for livestock management, livestock crossing, livestock heavy use areas,  
2057 horticulture management, site development, farm pads, farm field access roads, and  
2058 agricultural drainage.

2059 D. The property owner or applicant may develop the farm management plan as  
2060 part of a program offered or approved by King County. A property owner or applicant  
2061 seeking to use the process to allow alterations in critical area buffers shall develop a farm  
2062 management plan based on the following goals, which are listed in order of priority:

2063 1. To maintain the productive agricultural land base and economic viability of  
2064 agriculture on the site;

2065 2. To maintain, restore, or enhance critical areas to the maximum extent  
2066 practical in accordance with the site-specific goals of the landowner;

2067           3. To the maximum extent practical in accordance with the site-specific goals of  
2068 the landowner, maintain, and enhance natural hydrologic systems on the site;

2069           4. To use federal, state, and local best management practices and best available  
2070 science for farm management to achieve the goals of the farm management plan; and

2071           5. To monitor the effectiveness of best management practices and implement  
2072 additional practices through adaptive management to achieve the goals of the farm  
2073 management plan.

2074           E. If a part or all of the site is located within the shoreline jurisdiction, the farm  
2075 management plan shall:

2076           1. Consider and be consistent with the goals of the shoreline management act  
2077 and the policies of the King County shoreline master program;

2078           2. Consider the priorities of the King County shoreline protection and  
2079 restoration plan; and

2080           3. Ensure no net loss of shoreline ecological functions and critical area  
2081 functional and values.

2082           F. ~~((The property owner or applicant may develop the farm management plan as~~  
2083 ~~part of a program offered or approved by King County.))~~ The plan shall include, but is  
2084 not limited to, the following elements:

2085           1. A site inventory identifying critical areas, structures, cleared and forested  
2086 areas, and other significant features on the site;

2087           2. Site-specific performance standards and best management practices to  
2088 maintain, restore or enhance critical areas and ~~((their))~~ associated buffers, and maintain

2089 and enhance native vegetation on the site including the best management practices for the  
2090 installation and maintenance of farm field access drives and agricultural drainages;

2091           3. A plan for future changes to any existing structures or for any changes to the  
2092 landscape that involve clearing or grading;

2093           4. A plan for implementation of performance standards and best management  
2094 practices;

2095           5. A plan for monitoring the effectiveness of measures taken to protect critical  
2096 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm  
2097 management plan should occur if adverse impacts ~~((occur))~~ are identified.

2098           G. If applicable, a farm management plan shall include documentation of  
2099 compliance with flood compensatory storage and flood conveyance in accordance with  
2100 K.C.C. 21A.24.240.

2101           H. A farm management plan is not effective until approved by the county.  
2102 Before approval, the county may conduct a site inspection, ~~((which may be through a~~  
2103 ~~program offered or approved by King County,))~~ to verify that the plan is ~~((reasonably))~~  
2104 likely to accomplish the goals in subsection D. of this section and consistent with  
2105 subsection E. of this section.

2106           I. ~~((Once approved, a))~~ Activities carried out in compliance with the approved  
2107 farm management plan shall be deemed in compliance with this chapter. In the event of a  
2108 potential code enforcement action, ~~((the department of local services, permitting division,~~  
2109 ~~shall first inform the department of natural resources and parks of the activity. Before~~  
2110 ~~taking code enforcement action,))~~ the department of local services, permitting division,  
2111 shall consult with the department of natural resources and parks and the King

2112 Conservation District to determine whether the activity is consistent with the farm  
2113 management plan.

2114 SECTION 43. Ordinance 15051, Section 140, as amended, and K.C.C.  
2115 21A.24.061 are hereby amended to read as follows:

2116 A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm  
2117 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural  
2118 resource land and rural area residents to establish and maintain a rural lifestyle that  
2119 includes activities such as farming ~~((and forestry)),~~ while maintaining and enhancing  
2120 rural character and environmental quality.

2121 B. The department of natural resources and parks and department of local  
2122 services shall adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051  
2123 ~~((relating to rural stewardship plans and farm management plans)),~~ consistent with the  
2124 provisions of this section. The rules shall ~~((not compromise))~~ be consistent with the King  
2125 Conservation District's mandates or standards for farm management planning.

2126 C. County departments or approved agencies shall provide technical assistance  
2127 and resources to landowners to assist them in preparing the plans. The technical  
2128 assistance shall include, but is not limited to, web-based information, instructional  
2129 manuals, and classroom workshops. When possible, ~~((the assistance shall be provided at~~  
2130 ~~little or no cost to landowners))~~ the cost of such assistance shall be minimal to the  
2131 landowner. ~~((In addition, +))~~ The department of natural resources and parks shall develop,  
2132 in consultation as necessary with the department of local services, permitting division,  
2133 and the King Conservation District, ~~((and make available to the public,))~~ model farm  
2134 management ~~((, forest management and rural stewardship))~~ plans illustrating examples of

2135 plan application content, drawings, and site plans, ~~((to assist landowners in their~~  
2136 ~~development of site-specific plans for their property))~~ and make available to the public.

2137 D. The department of natural resources and parks ~~((is))~~ shall be the primary  
2138 county agency responsible for ~~((rural stewardship plans and))~~ farm management plans  
2139 that are filed with the county under this chapter. The department of natural resources and  
2140 parks shall consult with the department of local services, permitting division, in carrying  
2141 out ~~((its))~~ the responsibilities under this chapter relating to ~~((rural stewardship plans and))~~  
2142 farm management plans. The department of natural resources and parks, the department  
2143 of local services, permitting division, and the King Conservation District may enter into  
2144 agreements to carry out the provisions of this chapter relating to ~~((rural stewardship plans~~  
2145 ~~and))~~ farm management plans.

2146 E. The department of natural resources and parks and department of local  
2147 services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural~~  
2148 ~~stewardship and))~~ farm management plans in meeting the goals and objectives of those  
2149 plans established in this chapter.

2150 SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C.

2151 21A.24.070 are hereby amended to read as follows:

2152 A. The director may approve exceptions to allow alterations to critical areas,  
2153 critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan  
2154 hazard areas, and severe channel hazard migration areas, not otherwise allowed by this  
2155 chapter as follows:

2156 1. For linear alterations, ~~((E))~~ except as otherwise provided in subsection A.2. of  
2157 this section~~((, for linear alterations, the director may approve alterations to critical areas,~~



2158 ~~critical area buffers and critical area setbacks only~~) when all of the following criteria are  
2159 met:

2160 a. there is no feasible alternative to the development proposal with less adverse  
2161 impact on the critical area;

2162 b. the development proposal minimizes the adverse impact on critical areas to  
2163 the maximum extent practical;

2164 c. the ~~((approval))~~ exception does not require the modification of a critical area  
2165 development standard established by this chapter;

2166 d. the development proposal does not pose an unreasonable threat to the public  
2167 health, safety, or welfare on or off the development proposal site and is consistent with  
2168 the general purposes of this chapter and the public interest; and

2169 e. the linear alteration:

2170 (1) connects to or is an alteration to a public roadway, regional light rail  
2171 transit line, public trail, a utility corridor or utility facility, or other public infrastructure  
2172 owned or operated by a public utility; or

2173 (2) is required to overcome limitations due to gravity;

2174 2. In order to accommodate the siting of a regional light rail transit facility  
2175 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
2176 area buffers, and critical area setbacks not otherwise allowed by this chapter and may  
2177 impose reasonable conditions to minimize the impact of the light rail transit facility on  
2178 the critical area and ~~((its))~~ associated buffer; and

2179 3. For nonlinear alterations, except as otherwise provided in subsection A.3.h.  
2180 of this section, the director may approve exceptions to allow alterations to critical areas

2181 except aquatic areas, wildlife habitat conservation areas, and wetlands, (~~unless otherwise~~  
2182 ~~allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat~~  
2183 ~~conservation areas,)) and may approve alteration((s)) exceptions to critical area buffers  
2184 and critical area setbacks, when all of the following criteria are met:~~

2185           a. there is no feasible alternative to the development proposal with less adverse  
2186 impact on the critical area;

2187           b. the alteration is the minimum necessary to accommodate the development  
2188 proposal;

2189           c. the (~~approval~~) exception does not require the modification of a critical area  
2190 development standard established by this chapter;

2191           d. the development proposal does not pose an unreasonable threat to the public  
2192 health, safety, or welfare on or off the development proposal site and is consistent with  
2193 the general purposes of this chapter and the public interest;

2194           e. for dwelling units, no more than five thousand square feet or ten percent of  
2195 the site, whichever is greater, may be disturbed by structures, (~~building~~) critical area  
2196 setbacks, or other land alteration, including grading, utility installations, and maintained  
2197 yard and landscaping, but not including the area used for a driveway or for an on-site  
2198 sewage disposal system. When the site disturbance is within a critical area or associated  
2199 buffer, the (~~building~~) critical area setback line shall be measured from the (~~building~~  
2200 ~~footprint~~) edge of the structure to the edge of the approved site disturbance;

2201           f. to the maximum extent practical, access is designed and located to have the  
2202 least adverse impact on the critical area and critical area buffer;

2203 g. the critical area is not ~~((used as a))~~ potential salmonid spawning ~~((area))~~  
2204 habitat; and

2205 h. the director may approve an alteration in a category II, III, and IV wetland  
2206 for development of a public school facility.

2207 B. The director may approve a reasonable use exception to allow alterations to  
2208 critical areas, critical area buffers, and critical area setbacks, except for flood hazard  
2209 areas, alluvial fan hazard areas, and severe channel hazard migration hazard areas, if the  
2210 application of this chapter would deny all reasonable use of the property as follow:

2211 1. If the critical area, critical area buffer, or critical area setback is outside of the  
2212 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this  
2213 subsection without first having applied for an alteration exception under this section if the  
2214 requested reasonable use exception includes relief from development standards for which  
2215 an alteration exception cannot be granted under this section. The director shall determine  
2216 that all ~~((of))~~ the following criteria are met:

2217 a. there is no other reasonable use with less adverse impact on the critical area;

2218 b. development proposal does not pose an unreasonable threat to the public  
2219 health, safety, or welfare on or off the development proposal site and is consistent with  
2220 the general purposes of this chapter and the public interest;

2221 c. any authorized alteration to the critical area or critical area buffer is the  
2222 minimum necessary to allow for reasonable use of the property; and

2223 d. for dwelling units, no more than five thousand square feet or ten percent of  
2224 the site, whichever is greater, may be disturbed by structures, ~~((building))~~ critical area  
2225 setbacks, or other land alteration, including grading, utility installations, and maintained

2226 yard and landscaping but not including the area used for a driveway or for an on-site  
2227 sewage disposal system; and

2228           2. If the critical area, critical area buffer, or critical area setback is located  
2229 within the shoreline jurisdiction, the request for a reasonable use exception shall be  
2230 considered a request for a shoreline variance under K.C.C. 21A.44.090.

2231           C. For the purpose of this section:

2232           1. "Linear" alteration means infrastructure that supports development that is  
2233 linear in nature and includes public and private roadways, public trails, private  
2234 driveways, railroads, regional light rail transit, hydroelectric (~~(generating)~~) generation  
2235 facilities, utility corridors, and utility facilities; and

2236           2. (~~For purposes of subsections A. and B. of this section, a~~) Areas located  
2237 (~~within the shoreline jurisdiction that are~~) below the ordinary high water mark shall not  
2238 be included in calculating the site area.

2239           D. (~~Alteration e~~) Exceptions approved under this section shall meet the  
2240 mitigation requirements of this chapter.

2241           E. An applicant for an (~~alteration~~) exception shall submit a critical area report,  
2242 as required by K.C.C. 21A.24.110.

2243           F. An exception shall not be approved if the inability of the applicant to derive  
2244 reasonable use of the property is the result of actions by the current or prior property  
2245 owner.

2246           SECTION 45. Ordinance 10870, Section 456, as amended, and K.C.C.  
2247 21A.24.090 are hereby amended to read as follows:

2248 ~~((If a development proposal site contains or is within a critical area, the applicant~~  
2249 ~~shall submit an affidavit which declares whether)) An applicant for a permit for a  
2250 development proposal or a critical area designation under K.C.C. 21A.24.500, as  
2251 recodified by this ordinance, shall provide the following:~~

2252 A. Disclosure of critical areas on the development proposal site or sites,  
2253 including mapped or identifiable critical areas within the distance equal to the largest  
2254 potential required critical area buffer applicable to the development proposal; and

2255 B. An affidavit indicating whether:

2256 1. The applicant has knowledge of any illegal alteration to ~~((any or all))~~ the  
2257 critical areas or associated buffers on the development proposal site or sites; and

2258 ~~((B-))~~ 2. The applicant previously has been found in violation of this chapter for  
2259 any property in King County, in accordance with K.C.C. Title 23. If the applicant  
2260 previously has been found in violation, the applicant ~~((shall))~~ must declare whether the  
2261 violation has been corrected to the satisfaction of King County.

2262 SECTION 46. K.C.C. 21A.24.500, as amended by this ordinance, is hereby  
2263 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2264 SECTION 47. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500  
2265 are hereby amended to read as follows:

2266 A.1. A property owner or the property owner's agent may request a critical area  
2267 designation for a site consisting of part or all of a ~~((site))~~ parcel, without seeking a permit  
2268 for a development proposal, by filing with the department a written application for a  
2269 critical area designation on a form provided by the department.

2270           2. ~~((If the request is for review of a portion of a site, t))~~The application shall  
2271 include a map identifying ~~((the portion))~~ all areas of the ~~((site))~~ parcel for which the  
2272 designation is sought. The designation shall not apply to any areas of the parcel other  
2273 than those identified in the application and approved by the department.

2274           ~~((2. The designation may include an evaluation or interpretation of the~~  
2275 ~~applicability of critical area buffers and other critical area standards to a future~~  
2276 ~~development proposal.))~~

2277           3. If deemed necessary by the department, supporting critical area reports,  
2278 prepared in accordance with K.C.C. 21A.24.110, may be required.

2279           4. The review by the department shall evaluate, determine, and document the  
2280 existence, location, and classification of the critical areas within the areas indicated on  
2281 the application.

2282           B. ~~((In preparing the critical area designation, the department shall perform a~~  
2283 ~~critical area review to:~~

2284           ~~1. Determine whether any critical area exists on the site and confirm its type,~~  
2285 ~~location, boundaries and classification;~~

2286           ~~2. Determine whether a critical area report is required to identify and~~  
2287 ~~characterize the location, boundaries and classification of the critical area;~~

2288           ~~3. Evaluate the critical area report, if required; and~~

2289           ~~4. Document the existence, location and classification of any critical area.~~

2290           C. ~~If required by the department, the applicant for a critical area designation shall~~  
2291 ~~prepare and submit to the department the critical area report required by subsection B.2.~~  
2292 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~

2293 aquatic areas, the applicant may elect to have the department conduct the special study in  
2294 accordance with K.C.C. Title 27;

2295 ~~D.~~) The department shall ~~((make the determination of))~~ issue a critical area  
2296 designation in writing within one-hundred-twenty-days after the application for a critical  
2297 area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.  
2298 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. ~~((If the~~  
2299 ~~determination applies to less than an entire site, t))~~The determination shall clearly  
2300 identify the portion of the ~~((site))~~ parcel to which the determination applies.

2301 ~~((E.1.))~~ C. The written determination made under this section is final and  
2302 effective for five years from the date of issuance as to the existence, location,  
2303 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2304 ~~((a.))~~ 1. ~~((t))~~There is a change in site conditions;

2305 ~~((b.))~~ 2. New or additional information becomes available that conflicts with or  
2306 invalidates information that formed the basis of the department's determination,  
2307 including, but not limited to, discovery of an unpermitted critical area alteration, or the  
2308 adoption of revised methods for critical area classification; or

2309 3. A county, state, or federal agency adopts critical area maps that conflict with  
2310 the department's written determination.

2311 ~~((2. As part of its review of a complete application for a permit or approval, the~~  
2312 ~~department shall establish whether the written determination is still effective.~~

2313 ~~F. If the department designates critical areas on a site under this section, the~~  
2314 ~~applicant for a development proposal on that site shall submit proof that a critical area~~  
2315 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~

2316 subsection, the department's determination under this section is final. If the department  
2317 relies on a critical area designation made under this section during its review of an  
2318 application for a permit or other approval of a development proposal and the permit or  
2319 other approval is subject to an administrative appeal, any appeal of the designation shall  
2320 be consolidated with and is subject to the same appeal process as the underlying  
2321 development proposal. If the King County hearing examiner makes the county's final  
2322 decision with regard to the permit or other approval type for the underlying development  
2323 proposal, the hearing examiner's decision constitutes the county's final decision on the  
2324 designation. If the King County council, acting as a quasi-judicial body, makes the  
2325 county's final decision with regard to the permit or other approval type for the underlying  
2326 development proposal, the King County council's decision constitutes the county's final  
2327 decision on the designation.))

2328           SECTION 48. Ordinance 10870, Section 457, as amended, and K.C.C.  
2329 21A.24.100 are hereby amended to read as follows:

2330           A. ~~((Before any))~~ Prior to clearing, grading, or site preparation, the department  
2331 shall perform a critical area review ~~((for any))~~ of development proposal permit  
2332 applications or other request for permission to alter a site to determine ~~((whether there~~  
2333 ~~is))~~:

2334           1. The existence, location, and classification of ~~((A))~~ critical areas on the  
2335 ~~((development proposal site))~~ parcel;

2336           2. ~~((An active breeding site of a protected species on the development proposal~~  
2337 ~~site; or~~



2338           3. ~~A critical area or active breeding site of a protected species that has been~~  
2339 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~  
2340 ~~from the boundaries of the site))~~ The existence, location, and classification of critical  
2341 areas within three hundred feet of the site that can be identified by use of available data  
2342 and methods including, but not limited to, visual observations from right-of-way or  
2343 property with right of entry, mapping, aerial imagery, critical area determinations for  
2344 other permits, and available critical area reports;

2345           3. The boundaries of critical area buffers and critical area setbacks that apply to  
2346 the site and area within three hundred feet of the site, consistent with the standards and  
2347 regulations of this chapter; and

2348           4. Compliance with all other standards and regulations of this chapter.

2349           B. As part of the critical area review, the department shall review (~~the critical~~  
2350 ~~area reports and determine)) whether:~~

2351           1. (~~There has been an accurate identification of all critical areas))~~ Critical area  
2352 designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as  
2353 recodified by this ordinance;

2354           2. (~~An alteration will occur to a critical area or a critical area buffer))~~ Critical  
2355 area report or reports are required with the application under K.C.C. 21A.110;

2356           3. (~~The development proposal is consistent with this chapter))~~ Critical areas,  
2357 associated buffers, and critical area setbacks have been applied to the site and accurately  
2358 identified, delineated, and classified within the application documents;

2359 4. ~~((The sequence))~~ Proposed alterations prioritize avoidance and minimization  
2360 measures, followed by mitigation requirements in K.C.C. 21A.24.125 ~~((has been~~  
2361 ~~followed to avoid impacts to critical areas and critical area buffers))~~; ~~((and))~~

2362 5. Proposed ~~((M))~~ mitigation measures required to compensate for unavoidable  
2363 adverse impacts to critical areas ~~((is required and whether the mitigation and monitoring~~  
2364 ~~plans and bonding measures proposed by the applicant are sufficient to protect the~~  
2365 ~~general public health, safety and welfare,))~~ and associated buffers are in compliance with  
2366 K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and

2367 6. Proposed alterations are consistent with the goals, purposes, objectives, and  
2368 requirements of this chapter.

2369 C. If a development proposal does not involve any site disturbance, clearing, or  
2370 grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04,  
2371 critical area review is not required, unless the development proposal is located within a:

- 2372 1. Flood hazard area;
- 2373 2. Critical aquifer recharge area; or
- 2374 3. Landslide hazard area, steep slope hazard area, seismic hazard area, or coal  
2375 mine hazard area and the proposed development will cause additional loads on the  
2376 foundation, such as by expanding the habitable square footage of the structure or by  
2377 adding or changing structural features that change the load bearing characteristics of the  
2378 structure.

2379 D. The determinations made under critical area review of a development proposal  
2380 permit application shall be consolidated with and subject to the same appeal process as  
2381 the underlying development proposal, except for any determinations made under an

2382 effective critical area designation under K.C.C. 21A.24.500, as recodified by this  
2383 ordinance, that are classified as an independent decision under K.C.C. 20.20.020.

2384 SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C.  
2385 21A.24.110 are hereby amended to read as follows:

2386 A. An ~~((applicant))~~ application for a development proposal that requires critical  
2387 area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this  
2388 ordinance, shall submit a critical area report at a level determined by the department to  
2389 adequately evaluate the proposal and all probable impacts in accordance with the  
2390 applicable critical area report criteria of this chapter.

2391 B. The applicant may combine a critical area report with ~~((any))~~ additional  
2392 studies required by other laws and regulations.

2393 C. If the development proposal will affect only a part of the development  
2394 proposal site, the department may limit the scope of the required critical area report to  
2395 include only that part of the site that is affected by the development proposal.

2396 D.1. Floodplain development that was not assessed through the King County  
2397 Programmatic Habitat Assessment prepared for the National Flood Insurance program  
2398 and the Endangered Species Act shall include an assessment of the impact of the  
2399 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

2400 a. ~~((A))~~a Biological Evaluation or Biological Assessment that has received  
2401 concurrence from the United States Fish and Wildlife Service or the National Marine  
2402 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

2403 b. ~~((D))~~documentation that the activity fits within a Habitat Conservation Plan  
2404 approved pursuant to Section 10 of the Endangered Species Act;

2405 c. ~~((D))~~documentation that the activity fits within Section 4(d) of the  
2406 Endangered Species Act;  
2407 d. ~~((A))~~an assessment prepared in accordance with Regional Guidance for  
2408 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ~~((2010))~~ April 2011.

2409 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or  
2410 more))~~ of the following:

2411 (1) the primary constituent elements identified when a species is listed as  
2412 threatened or endangered;

2413 (2) Essential Fish Habitat designated by the National Marine Fisheries  
2414 Service;

2415 (3) fish and wildlife habitat conservation areas;

2416 (4) vegetation communities and habitat structures;

2417 (5) water quality;

2418 (6) water quantity, including flood and low flow depths, volumes, and  
2419 velocities;

2420 (7) the river or stream channel's natural planform pattern and migration  
2421 process;

2422 (8) spawning substrate, if applicable; and

2423 (9) floodplain refugia, if applicable.

2424 2. The department ~~((must))~~ shall require ~~((a))~~ projects with adverse ~~((effects))~~  
2425 impacts on critical areas or associated buffers to ~~((comply with the impact))~~ prioritize  
2426 avoidance~~((;))~~ and minimization ~~((and))~~ measures, followed by mitigation requirements  
2427 of K.C.C. 21A.24.125 and 21A.24.130.

2428            NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24

2429 a new section to read as follows:

2430            A. An applicant for a development proposal that requires geological critical area  
2431 review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level  
2432 of detail determined by the department to adequately evaluate the proposal and all  
2433 probable impacts.

2434            B. The geological critical area report shall address all areas of the proposed  
2435 development site and geologically hazardous areas within three hundred feet of the site or  
2436 that have the potential to affect or be affected by the proposal.

2437            C. The geological critical area report shall be prepared, stamped, and signed by a  
2438 geological professional.

2439            D. The geological critical area report shall contain, at a minimum, the following  
2440 information:

2441            1. A description of site conditions that includes:

2442            a. existing development including structures, impervious surfaces, wells, drain  
2443 fields, drain field reserve areas, roads, easements, and utilities on the site;

2444            b. the quantity and type of existing vegetation cover;

2445            c. a description of the ground surface inclination in percent gradient; and

2446            d. the location or evidence of any springs, seeps, or other expressions of  
2447 groundwater.

2448            2. A evaluation of the geological conditions of the site that includes:

- 2449           a. references to mapped geological soil and bedrock units, seismic faults,  
2450 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and  
2451 historical coal mines;
- 2452           b. available geotechnical reports, well logs, or other data sources within the  
2453 vicinity of the site;
- 2454           c. geomorphological features of the site visible through site inspection, aerial  
2455 photography, LIDAR imagery, or topographic contours;
- 2456           d. on-site soil explorations of sufficient location, distribution, and depth to  
2457 adequately characterize the subsurface conditions of the site;
- 2458           e. engineering properties of the subsurface soils or bedrock or both on site and  
2459 adjacent properties; and
- 2460           f. identification of all existing fill areas;
- 2461           3. A hazard analysis and finding of risks associated with relevant geologic  
2462 hazards and the potential impacts to public safety, the hazard area, and the subject  
2463 property including, but not limited to:
- 2464           a. slope stability;
- 2465           b. liquefaction hazard;
- 2466           c. debris runout;
- 2467           d. channel migration;
- 2468           e. erosion rates, slope recession rates, and potential impacts to existing or  
2469 proposed development from waves or currents, stream meandering, or other erosional  
2470 forces to determine the recommended solution for bank or shoreline stabilization; and  
2471           f. additional information required by K.C.C. 21A.25.170, if applicable;

- 2472 4. An evaluation of proposed development which includes;
- 2473 a. location and description of proposed development activity;
- 2474 b. method of drainage and locations of all existing and proposed surface and
- 2475 subsurface drainage facilities and patterns, including infiltration testing or other
- 2476 geological review specifics as required by the King County Surface Water Design
- 2477 Manual;
- 2478 c. locations and methods for temporary and permanent erosion control;
- 2479 d. recommendations for structure siting limitations, including buffers and
- 2480 setbacks, in accordance with the development standards of geologically hazardous areas
- 2481 in this chapter;
- 2482 e. recommendations for engineering mitigation of hazards; and
- 2483 f. recommendations for vegetation management to mitigate hazards;
- 2484 5. A determination stating whether the proposed alterations minimize risks to
- 2485 people and development on and off the site in accordance with the development standards
- 2486 of this chapter, and rationale to support the determination based on the presented data,
- 2487 analysis, and scientific and engineering practice;
- 2488 6. A site plan that includes:
- 2489 a. the topography with vertical contour intervals of five feet or less unless the
- 2490 underlying project permit requires a smaller interval;
- 2491 b. significant geologic contacts, landslides, or downslope soil movement on
- 2492 and within three hundred feet of the site;
- 2493 c. all identified geologically hazardous areas, buffers, and critical area
- 2494 setbacks;

2495 d. exploration locations;

2496 e. locations of proposed development and clearing limits, if known, and

2497 f. transects of any provided cross-sections;

2498 7. All subsurface exploration logs, test logs and results, and other data sources

2499 used in the analyses, and

2500 8. Any other information determined by the department to be necessary to

2501 determine compliance with this chapter including, but not limited to, the use of LIDAR,

2502 technical reports, soil field or laboratory testing, studies or documents related to geologic

2503 hazards, and models for estimating how far landslide materials will travel.

2504 E. The department shall require a project with adverse impacts to prioritize

2505 avoidance and minimization measures, followed by mitigation requirements of K.C.C.

2506 21A.24.125 and 21A.24.130.

2507 NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24

2508 a new section to read as follows:

2509 A. An applicant for a development proposal that requires ecological critical area

2510 review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level

2511 of detail determined by the department to adequately evaluate the proposal for all

2512 probable impacts.

2513 B. The ecological critical area report shall address all areas of the proposed

2514 development site and ecological critical areas within three hundred feet of the site or that

2515 have the potential to affect or be affected by the proposal. Ecological critical areas

2516 include wetlands and all fish and wildlife habitat conservation areas.



2517 C. The ecological critical area report shall be prepared and signed by an  
2518 ecological professional.

2519 D. The ecological critical area report shall contain, at a minimum, the following  
2520 information:

2521 1. A wetland, aquatic area, and riparian area delineation report that includes:

2522 a. identification of wetlands and delineation of associated boundaries in  
2523 accordance with the approved federal wetland delineation manual and applicable regional  
2524 supplement as set forth in WAC 173-22-035, including completed data forms and data  
2525 point locations to demonstrate the presence or absence of wetland conditions;

2526 b. rating of wetlands in accordance with the Washington State Wetland Rating  
2527 System for Western Washington Version 2.0, Washington state Department of Ecology  
2528 publication number 23-06-009, published 2014 and updated 2023, including completed  
2529 rating forms;

2530 c. identification of aquatic area locations, typing, and ordinary high water  
2531 marks;

2532 d. identification of severe channel migration hazard areas and floodplains; and

2533 e. determination of applicable wetland buffers and riparian areas;

2534 2. A wildlife study and habitat assessment that identifies any known nests or  
2535 breeding sites and potential habitat for any federal or state listed endangered, threatened,  
2536 sensitive, or candidate species or King County species of local importance, and delineates  
2537 any known wildlife habitat conservation areas and wildlife habitat networks;

2538 3. A description of existing onsite and adjacent site conditions that includes:

- 2539           a. existing development including, but not limited to, structures, roads,  
2540 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing  
2541 development is not legally established;
- 2542           b. the extent and dominant species composition of existing vegetative cover;
- 2543           c. existing hydrologic characteristics of any wetland or aquatic areas, including  
2544 sources of hydrology;
- 2545           d. functions and values of all critical areas found; and
- 2546           e. location, species, and diameter at breast height of trees three inches in  
2547 diameter at breast height or larger within critical areas and associated buffers that are  
2548 within the proposed clearing limits and within striking distance of the proposed  
2549 development. The department may require tree locations to be surveyed;
- 2550           4. If unavoidable impacts to critical areas or buffers are proposed, an impact  
2551 analysis that includes:
- 2552           a. demonstration that adverse impacts prioritized avoidance and minimization  
2553 measures, followed by mitigation sequencing in K.C.C. 21A.24.125.
- 2554           b. calculation of square footage of direct permanent impacts to each critical  
2555 area and buffer;
- 2556           c. calculation of square footage of temporary impacts to each critical area and  
2557 associated buffer, and estimation of the time required for ecological functions to be  
2558 restored;
- 2559           d. calculation of indirect impacts to wetlands in accordance with Wetland  
2560 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2

2561 Washington state Department of Ecology, publication number 21-06-003, published  
2562 April 2021;

2563 e. description of vegetation, habitat, functions, and values of each critical area  
2564 that will be lost or modified due to the proposed impacts;

2565 f. an analysis demonstrating that the hydrology of remaining wetlands on or  
2566 adjacent to the site will not be substantially impacted by the project, using the wetland  
2567 hydrology protection guidelines in the King County Surface Water Design Manual; and

2568 g. a tree risk assessment prepared by an arborist certified by the International  
2569 Society of Arboriculture for any hazard trees proposed for removal within critical areas  
2570 or associated buffers;

2571 5. A mitigation plan that includes:

2572 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,  
2573 or creation of critical areas and associated buffers for which mitigation is required;

2574 b. description of on-site mitigation activities proposed and justification that  
2575 impacts will be adequately offset to ensure no net loss of critical area functions and  
2576 values, including use of the credit-debit method as applicable for wetland impacts in  
2577 accordance with Washington state Department of Ecology's Calculating Credits and  
2578 Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report,  
2579 publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

2580 c. calculations of mitigation area required for permanent impacts or long-term  
2581 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

2582 d. calculation of restoration area required for temporary impacts where  
2583 ecological functions are expected to be restored within one year;

- 2584 e. depiction of proposed mitigation and restoration areas and example of  
2585 planting plan, including irrigation if applicable;
- 2586 f. plan for installation of wildlife lighting;
- 2587 g. depiction of wildlife-passable fencing and permanent critical area signs at  
2588 the edges of critical areas, associated buffers, and disturbed areas, as applicable, and
- 2589 h. justification for and description of any proposed off-site mitigation,  
2590 including location, methods, quantities, and demonstration that equivalent or greater  
2591 ecological functions will be achieved;
- 2592 6. A monitoring plan that includes:
- 2593 a. a monitoring schedule of five years, unless otherwise directed by the  
2594 department;
- 2595 b. success criteria for mitigation activities to meet at the end of each  
2596 monitoring year;
- 2597 c. monitoring methods sufficient to determine if success criteria are being met  
2598 throughout the mitigation area;
- 2599 d. a maintenance plan to ensure success criteria are met; and
- 2600 e. a contingency plan if it is determined that mitigation fails to meet success  
2601 criteria;
- 2602 7. A site plan depicting:
- 2603 a. mapped locations of all on-site critical areas and approximated locations of  
2604 all off-site critical areas within three hundred feet of the site;
- 2605 b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24;
- 2606 c. critical area setback lines applied in accordance with K.C.C. 21A.24.200;

2607 d. existing and proposed alterations, including but not limited to structures,  
2608 impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and

2609 e. all property lines, setbacks, and easements; and

2610 8. Additional information determined by the department to be necessary to  
2611 comply with this chapter.

2612 SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C.

2613 21A.24.130 are hereby amended to read as follows:

2614 A. If mitigation is required under this chapter to compensate for adverse impacts,  
2615 ~~((unless otherwise provided, an applicant shall:~~

2616 1. ~~Mitigate adverse impacts to:~~

2617 a. ~~critical areas and their buffers; and~~

2618 b. ~~the development proposal as a result of the proposed alterations on or near~~  
2619 ~~the critical areas; and~~

2620 2. ~~Monitor the performance of any required mitigation))~~ the mitigation shall be  
2621 designed to:

2622 1. Achieve no net loss of critical area ecological functions for the entire scope of  
2623 the development; and

2624 2. Not create adverse impacts on other critical area functions.

2625 B. When mitigation measures are appropriate under the avoidance, minimization,  
2626 and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall  
2627 be given to measures that replace the impacted functions directly and in the immediate  
2628 vicinity of the impact. The department may approve alternative mitigation within the  
2629 watershed if the mitigation addresses limiting factors or identified critical needs for

2630 critical area resource conservation based on watershed or comprehensive resource  
2631 management plans applicable to the area of impact. The department shall require  
2632 appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical  
2633 area ecological functions as conditions of approval for mitigation measures, which may  
2634 include conservation easements, financial guarantees, and performance monitoring.

2635 C. The department shall not approve a development proposal until mitigation and  
2636 monitoring plans are ~~((in place))~~ established ~~((to mitigate for alterations to critical areas~~  
2637 ~~and buffers))~~ and financial guarantees have been posted in accordance with K.C.C. Title  
2638 27A.

2639 ~~((C.))~~ D. Whenever mitigation is required, an applicant shall submit a critical  
2640 area report ~~((that includes:~~

2641 ~~1. An analysis of potential impacts;~~

2642 ~~2. A mitigation plan that meets the specific mitigation requirements in this~~  
2643 ~~chapter for each critical area impacted; and~~

2644 ~~3. A monitoring plan that includes:~~

2645 ~~a. a demonstration of compliance with this title;~~

2646 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~  
2647 ~~impacts if:~~

2648 ~~(1) the department determines that failure of the mitigation would result in a~~  
2649 ~~significant impact on the critical area or buffer; or~~

2650 ~~(2) the mitigation involves the creation of a wetland; and~~

2651 ~~c. a monitoring schedule that may extend throughout the impact of the activity~~  
2652 ~~or, for hazard areas, for as long as the hazard exists.~~

2653 ~~D.))~~ in accordance with this chapter.

2654 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves  
2655 ~~((the))~~ all applicable mitigation and monitoring plans. The applicant shall notify the  
2656 department when mitigation is installed and monitoring ~~((is))~~ has commenced and shall  
2657 provide King County with reasonable access to the ~~((mitigation))~~ site for the purpose of  
2658 inspections during ~~((any))~~ the monitoring period.

2659 ~~((E.))~~ F. If monitoring reveals a significant deviation from predicted impact or a  
2660 failure of mitigation requirements, the applicant shall implement an approved  
2661 contingency plan. The contingency plan constitutes new mitigation and is subject to all  
2662 mitigation requirements, including a revised monitoring plan and revised financial  
2663 guarantee requirements.

2664 SECTION 53. Ordinance 15051, Section 151, as amended, and K.C.C.  
2665 21A.24.133 are hereby amended to read as follows:

2666 A. To the maximum extent practical, ~~((an applicant shall mitigate))~~ and after  
2667 application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse  
2668 impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat  
2669 conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the  
2670 development site. The department may approve mitigation that is off-site ~~((the~~  
2671 ~~development site))~~ if an applicant demonstrates that:

2672 1. It is not practical to mitigate on or contiguous to the development proposal  
2673 site; and

2674 2. The off-site mitigation will achieve equivalent or greater hydrological, water  
2675 quality, and ~~((wetland or aquatic area))~~ habitat functions.

2676 B. When off-site mitigation is authorized, the department shall give priority to  
2677 locations within the same drainage subbasin as the development proposal site that meet  
2678 the following:

2679 1. Mitigation banking sites and resource mitigation reserves as authorized by  
2680 this chapter;

2681 2. Private mitigation sites that are established in compliance with the  
2682 requirements of this chapter and approved by the department; ~~((and))~~ or

2683 3. Public mitigation sites that have been ranked in a process ~~((that has been))~~  
2684 supported by ecological assessments, including wetland and aquatic areas established as  
2685 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

2686 C. The department ~~((may))~~ shall require documentation that the mitigation site  
2687 has been permanently preserved from future development or alteration that would be  
2688 inconsistent with the functions of the mitigation. The documentation may include, but is  
2689 not limited to, a conservation easement or other agreement between the applicant and  
2690 owner of the mitigation site. King County may enter into agreements or become a party  
2691 to any easement or other agreement necessary to ensure that the site continues to exist in  
2692 its mitigated condition.

2693 D. The department shall maintain a list of sites available for use for off-site  
2694 mitigation projects.

2695 E.1. ~~((The department and the department of natural resources and parks have  
2696 develop a program to allow the payment of a fee in lieu of providing mitigation on a  
2697 development site.))~~ The department may approve mitigation through the King County  
2698 mitigation reserve program. The program addresses:

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2699 a. when the payment of a fee is allowed considering the availability of a site in  
2700 geographic proximity with comparable hydrologic and biological functions and potential  
2701 for future habitat fragmentation and degradation; and

2702 b. the use of the fees for mitigation on public or private sites that have been  
2703 ~~((ranked according to ecological criteria through one or more programs that have~~  
2704 ~~included a public process))~~ selected using a watershed approach, in accordance with the  
2705 approved in-lieu fee program instrument.

2706 2. The in lieu fee mitigation program shall submit a report by May 1 in the first  
2707 year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an  
2708 electronic copy with the clerk of the council, who shall retain the original and provide an  
2709 electronic copy to all councilmembers, the council chief of staff and the lead staff for the  
2710 transportation economy and environment committee or its successor. The report should  
2711 address the following:

- 2712 a. information on the amount and source of revenues received by the program;  
2713 b. a description and rationale for projects selected for funding;  
2714 c. an accounting of budgeted and actual expenditures made; and  
2715 d. the status of all projects approved in the previous five years, and anticipated  
2716 completion date for those projects, if not yet complete.

2717 SECTION 54. Ordinance 10870, Section 464, as amended, and K.C.C.

2718 21A.24.170 are hereby amended to read as follows:

2719 A. Except as otherwise provided in subsection ~~((e))~~ C. of this section, the owner  
2720 of any property containing critical areas or buffers on which a development proposal is  
2721 submitted or any property on which mitigation is established as a result of development

2722 shall file a notice on title approved by King County with the records and licensing  
2723 services division. The notice shall inform the public of:

- 2724           1. The presence of critical areas or buffers or mitigation sites on the property;  
2725           2. The application of this chapter to the property; ~~((and))~~  
2726           3. The possible existence of limitations on actions in or affecting the critical  
2727 areas or buffers or the fact that mitigation sites may exist; and  
2728           4. The existence of approved wetland buffer or riparian area averaging on the  
2729 property.

2730           B. The applicant for a development proposal shall submit proof that the notice  
2731 required by this section has been filed for public record before King County approves any  
2732 development proposal for the property or, in the case of subdivisions, short subdivisions,  
2733 and binding site plans, at or before recording of the subdivision, short subdivision, or  
2734 binding site plan.

2735           C. The notice required under subsection A. of this section is not required if:

- 2736           1. The property is a public right-of-way or the site of a permanent public  
2737 facility;  
2738           2. The development proposal does not require ~~((sensitive))~~ critical area review  
2739 under K.C.C. 21A.24.100.C; or  
2740           3. The property only contains a critical aquifer recharge area or an erosion  
2741 hazard area.

2742           D. Notices on title shall run with the land regardless of ownership, use, or land  
2743 division. However, a property owner may apply to the county to have a notice on title  
2744 removed or amended, under either of the following circumstances:

2745           1. The department, as part of a critical area review of a permit application,  
2746 determines the information contained in an existing notice on title is no longer accurate  
2747 because information about a critical area has changed, such as in its type or location; or

2748           2. An ordinance adopted an updated critical areas map indicating a  
2749 reclassification or declassification of the critical area on the subject property.

2750           SECTION 55. Ordinance 10870, Section 465, as amended, and K.C.C.

2751 21A.24.180 are hereby amended to read as follows:

2752           A. ~~((The applicant))~~ Critical area tracts established under this section protect with  
2753 the goal of enhancing critical area functions and values, including, but not limited to,  
2754 providing fish and wildlife habitat, and protecting the public from geologic hazards and  
2755 increased stormwater runoff. Development proposals for subdivisions, short  
2756 subdivisions, or binding site plans shall establish and identify critical area tracts to  
2757 delineate and protect ((those)) critical areas and associated buffers listed ((below in  
2758 development proposals for subdivisions, short subdivisions or binding site plans)) in  
2759 subsection A.1. through 7. of this section, and shall record the tracts on all documents of  
2760 title of record for all affected lots:

- 2761           1. ~~((All))~~Landslide hazard areas and buffers that are one acre or more in size;
- 2762           2. ~~((All-s))~~Steep slope hazard areas and buffers that are one acre or more in size;
- 2763           3. ~~((All-w))~~Wetlands and buffers; ((and))
- 2764           4. ~~((All-a))~~Aquatic areas ((and buffers));
- 2765           5. Riparian areas;
- 2766           6. Alluvial fan hazard areas that are one acre or more in size; and
- 2767           7. Wildlife habitat networks.

2768 B. A critical area tract established under subsection A. of this section shall be  
2769 either:

2770 1. ~~((h))~~Held in an undivided interest by each owner of a building lot within the  
2771 development with this ownership interest passing with the ownership of the lot~~((s))~~; or

2772 2. ~~((shall be h))~~Held by an incorporated homeowner's association or other legal  
2773 entity that ensures the ownership, maintenance, and protection of the tract.

2774 C. ~~((The long-term management goals for critical area tracts established under  
2775 subsection A. of this section are to protect and enhance critical area functions and values,  
2776 including, but not limited to, providing fish and wildlife habitat and protecting the public  
2777 from geologic hazards and increased stormwater runoff.))~~ The specific management  
2778 strategy for each tract shall be clearly defined before preliminary approval of the  
2779 subdivision or binding site plan.

2780 D. For an off-site critical area mitigation area, the applicant shall place the  
2781 mitigation area in a critical area tract in accordance with subsection A. of this section, or  
2782 in a perpetual conservation easement as approved by the director.

2783 E. In lieu of the requirements of subsections A. and D. of this section, the director  
2784 may allow an applicant to include critical areas in resource tracts established under  
2785 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the  
2786 purpose of the resource portion is for resource management and the purpose of the  
2787 designated critical areas is for critical area protection and enhancement and protecting the  
2788 public from geologic hazards and increased stormwater runoff.

2789 ~~((E.))~~ F. Site plans submitted as part of building permits, clearing, and grading  
2790 permits, or other development permits shall include and delineate:

- 2791 1. ~~((A)(f))~~ Flood hazard areas, as determined by King County in accordance  
2792 with K.C.C. 21A.24.230;
- 2793 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard  
2794 areas;
- 2795 3. Aquatic areas, riparian areas, and wetlands;
- 2796 4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;
- 2797 5. Critical area ~~((B))~~ buffers; and
- 2798 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

2799 ~~((F.))~~ G. If only a part of the development site has been mapped, the part of the  
2800 site that has not been mapped shall be clearly identified and labeled on the site plans.

2801 SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C.  
2802 21A.24.200 are hereby amended to read as follows:

2803 Unless otherwise provided, ~~((an applicant shall set buildings and other))~~ structures  
2804 shall be set back a minimum distance of fifteen feet from the edges of all critical area  
2805 buffers, or from the edges of all critical areas ~~((, if no buffers are required))~~ where buffers  
2806 are not required. ~~((When the))~~ If site disturbance is within a critical area or an associated  
2807 buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the ~~((building~~  
2808 ~~footprint))~~ edge of the structure to the edge of the approved site disturbance. The  
2809 following are allowed in the ~~((building))~~ critical area setback area:

- 2810 A. Landscaping;
- 2811 B. Uncovered decks less than eighteen inches above grade;
- 2812 C. Building overhangs if the overhangs do not extend more than eighteen inches  
2813 into the setback area;

2814 D. Impervious ground surfaces, such as driveways and patios(~~(, but the)~~);  
2815 however, improvements are required to meet any special drainage provisions specified in  
2816 public rules adopted for (~~(the various)~~) critical areas and the King County Surface Water  
2817 Design Manual;

2818 E. Utility service connections as long as the excavation for installation avoids  
2819 impacts to the critical area or associated buffer; and

2820 F. Minor encroachments if adequate protection of the buffer will be maintained.

2821 SECTION 57. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby  
2822 amended to read as follows:

2823 Based upon a geological critical area report containing a coal mine hazard  
2824 assessment (~~(prepared in accordance with this chapter)~~), the department shall classify  
2825 coal mine hazard areas as follows:

2826 A. Declassified coal mine areas are those areas where the risk of catastrophic  
2827 collapse is not significant and that the hazard assessment report has determined do not  
2828 require special engineering or architectural recommendations to prevent significant risks  
2829 of property damage. Declassified coal mine areas typically include, but are not limited  
2830 to, areas underlain or directly affected by coal mines at depths of more than three hundred  
2831 feet as measured from the surface;

2832 B. Moderate coal mine hazard areas are those areas that pose significant risks of  
2833 property damage that can be mitigated by implementing special engineering or  
2834 architectural recommendations. Moderate coal mine hazard areas typically include, but  
2835 are not limited to, areas underlain or directly affected by abandoned coal mine workings  
2836 from a depth of zero, which is the surface of the land, to three hundred feet or with

2837 overburden-cover-to-seam thickness ratios of less than ten to one depending on the  
2838 inclination of the seam; and

2839 C. Severe coal mine hazard areas are those areas that pose a significant risk of  
2840 catastrophic ground surface collapse. Severe coal mine hazard areas typically include,  
2841 but are not limited to, areas characterized by unmitigated openings such as entries,  
2842 portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes,  
2843 and other areas of past or significant probability for catastrophic ground surface collapse;  
2844 or areas characterized by ~~(( ))~~ overland surfaces underlain or directly affected by  
2845 abandoned coal mine workings from a depth of zero, which is the surface of the land, to  
2846 one hundred fifty feet.

2847 SECTION 58. Ordinance 11621, Section 75, as amended, and K.C.C.  
2848 21A.24.275 are hereby amended to read as follows:

2849 The following development standards apply to development proposals and  
2850 alterations on sites within channel migration zones that have been mapped and adopted  
2851 by public rule:

2852 A. The development standards that apply to the ~~((aquatic area buffers))~~ riparian  
2853 areas in K.C.C. 21A.24.365 also apply to the severe channel migration ~~((zone))~~ hazard  
2854 areas and the portion of the moderate channel migration ~~((zone))~~ hazard areas that is  
2855 within the ~~((aquatic area buffer))~~ riparian areas. The more-restrictive standards apply  
2856 where there is a conflict;

2857 B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a  
2858 severe channel migration hazard area; and

2859 C. The following standards apply to development proposals and alterations  
2860 within the moderate channel migration hazard area:

2861 1. Maintenance, repair, or expansion of any use or structure is allowed if the  
2862 existing structure's footprint is not expanded towards any source of channel migration  
2863 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2864 2. New primary dwelling units, accessory dwelling units or accessory living  
2865 quarters, and required infrastructure, are allowed if:

2866 a. the structure is located on a separate lot in existence on or before February  
2867 16, 1995;

2868 b. a feasible alternative location outside of the channel migration hazard area is  
2869 not available on-site; and

2870 c. to the maximum extent practical, the structure and supporting infrastructure  
2871 is located the farthest distance from any source of channel migration hazard, unless the  
2872 applicant can demonstrate that an alternative location is:

2873 (1) the least subject to risk; or

2874 (2) within the outer third of the moderate channel migration hazard area as  
2875 measured perpendicular to the channel;

2876 3. New accessory structures are allowed if:

2877 a. a feasible alternative location is not available on-site; and

2878 b. to the maximum extent practical, the structure is located the farthest distance  
2879 from the migrating channel; and

2880 4. The subdivision of property is allowed within the portion of a moderate  
2881 channel migration hazard area located outside ~~((an aquatic area buffer))~~ a riparian area if:



2882           a. All lots contain five-thousand square feet or more of buildable land outside  
2883 of the moderate channel migration hazard area;

2884           b. Access to all lots does not cross the moderate channel migration hazard  
2885 area; and

2886           c. All infrastructure is located outside the moderate channel migration hazard  
2887 area except that an on-site septic system is allowed in the moderate channel migration  
2888 hazard area if:

2889                 (1) a feasible alternative location is not available on-site; and

2890                 (2) to the maximum extent practical, the septic system is located the farthest  
2891 distance from the migrating channel.

2892           SECTION 59. Ordinance 10870, Section 475, as amended, and K.C.C.

2893 21A.24.280 are hereby amended to read as follows:

2894           The following development standards apply to development proposals and  
2895 alterations on sites containing landslide hazard areas:

2896           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
2897 alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area  
2898 with a slope of forty percent or greater;

2899           B.1. A buffer is required from all edges of the landslide hazard area. To  
2900 eliminate or minimize the risk of property damage or injury resulting from landslides  
2901 caused in whole or part by the development, the department shall determine the size of  
2902 the buffer based upon a geological critical area report (~~(prepared by a geotechnical~~  
2903 ~~engineer or geologist)~~)).

2904           2. If a geological critical area report is not submitted to or required by the  
2905 department, the minimum buffer (~~(is)~~) shall be fifty feet.

2906           3. If the landslide hazard area has a vertical rise of more than two-hundred feet,  
2907 the department may increase the minimum (~~(building)~~) critical area setback in K. C. C.  
2908 21A.24.200 to one-hundred feet.

2909           4. For development permits associated with single detached dwelling units only,  
2910 the department may waive the geological critical area report requirement and authorize  
2911 buffer reductions if the department determines that the reduction will adequately protect  
2912 the proposed development and the critical area;

2913           C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
2914 allowed alteration, removal of any vegetation from a landslide hazard area or buffer is  
2915 prohibited;

2916           D. All alterations shall minimize disturbance to the landslide hazard area, slope,  
2917 and vegetation unless necessary for slope stabilization; and

2918           E. Alterations in a landslide hazard area located on a slope less than forty percent  
2919 are allowed if:

2920           1. The proposed alteration will not decrease slope stability on contiguous  
2921 properties; and

2922           2. The risk of property damage or injury resulting from landsliding is eliminated  
2923 or minimized.

2924           SECTION 60. Ordinance 10870, Section 476, as amended, and K.C.C.  
2925 21A.24.290 are hereby amended to read as follows:

2926           The following development standards apply to development proposals and  
2927 alterations on sites (~~((containing seismic hazard areas))~~) where potential seismic hazard  
2928 areas are mapped:

2929           A. The department may approve alterations to mapped seismic hazard areas only  
2930 if:

2931           1. The geological critical area report containing an evaluation of site-specific  
2932 subsurface conditions shows that the proposed development site (~~((is not located in))~~) does  
2933 not meet the definition of a seismic hazard area; or

2934           2. The applicant implements appropriate engineering design based on the best  
2935 available engineering and geological practices that either eliminates or minimizes the risk  
2936 of structural damage or injury resulting from seismically induced settlement or soil  
2937 liquefaction; and

2938           B. The department may waive or reduce engineering study and design  
2939 requirements for alterations in seismic hazard areas for:

2940           1. Mobile homes;

2941           2. Additions or alterations that do not increase occupancy or significantly affect  
2942 the risk of structural damage or injury; and

2943           3. One-story buildings with less than two-thousand-five hundred(~~(s)~~) square feet  
2944 of floor area or roof area, whichever is greater, and that are not dwelling units or used as  
2945 places of employment or public assembly.

2946           NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24  
2947 a new section to read as follows:

2948           The following development standards apply to development proposals and  
2949 alterations on sites containing alluvial fan hazard areas:

2950           A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within  
2951 alluvial fan hazard areas;

2952           B. A geological critical area report is required for development proposals that are  
2953 on an alluvial fan or within fifty feet of an alluvial fan;

2954           C. Proposed alterations shall not increase the risk of inundation, sedimentation,  
2955 channel migration, or erosion on adjacent properties;

2956           D. The risk of property damage or injury on the subject property from inundation,  
2957 sedimentation, channel migration, or erosion as a result of a proposed alteration shall be  
2958 eliminated or minimized; and

2959           E. The proposed alteration shall not increase the frequency or magnitude of  
2960 sediment management activities or in-stream channel work that could impact fish habitat  
2961 or passage.

2962           NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 21A.24  
2963 a new section to read as follows:

2964           A. This section applies to development proposals on sites that are within tsunami  
2965 hazard areas.

2966           B. New and substantially improved residential buildings within a tsunami hazard  
2967 area shall be designed to provide protection from inundation and debris impact according  
2968 to the projected hazard level. The projected hazard level shall be determined by the  
2969 county based on Washington state Department of Natural Resources tsunami inundation

2970 maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and  
2971 relevant requirements of the building code in K.C.C. Title 16.

2972 C. Except for buildings that support water-oriented uses, new buildings shall be  
2973 located on portions of the parcel or parcels under contiguous ownership that are not  
2974 within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under  
2975 contiguous ownership are located outside the tsunami hazard area, or if the portion  
2976 outside the tsunami hazard area is not feasible for new building purposes, new buildings  
2977 shall be located as far from the tsunami hazard area as feasible.

2978 D. New critical facilities shall not be constructed in a tsunami hazard area if there  
2979 is a feasible alternative location outside the tsunami hazard area that would serve the  
2980 intended service area or service population. If allowed in the tsunami hazard area, the  
2981 critical facility shall be designed to minimize the risk and danger to the public health and  
2982 safety to the maximum extent practicable, which may include, but is not limited to,  
2983 preparation of a tsunami evacuation plan.

2984 SECTION 63. Ordinance 10870, Section 478, as amended, and K.C.C.

2985 21A.24.310 are hereby amended to read as follows:

2986 The following development standards apply to development proposals and  
2987 alterations on sites containing steep slope hazard areas:

2988 A. Except as provided in subsection D. of this section, unless allowed as an  
2989 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.  
2990 21A.24.045 are allowed within a steep slope hazard area or associated buffer;

2991 B. A buffer is required from all edges of the steep slope hazard area. To  
2992 eliminate or minimize the risk of property damage or injury resulting from slope

2993 instability, landsliding, or erosion caused in whole or part by the development, the  
2994 department shall determine the size of the buffer based upon a geological critical area  
2995 report prepared by a (~~geotechnical engineer or geologist~~) geological professional. The  
2996 department of local services shall adopt a public rule to implement this subsection,  
2997 including implementing the requirements for development and review of a geological  
2998 critical area report.

2999           1. For new structures and substantial improvements to existing structures on  
3000 sites where any portion of the steep slope hazard area extends into the coastal high hazard  
3001 area or sea level rise risk area:

3002           a. The geological critical area report shall include an assessment of current and  
3003 future risks of sea level rise conditions anticipated to occur over the next fifty years and a  
3004 recommended buffer;

3005           b. If a geological critical area report is not submitted to the department, the  
3006 minimum buffer shall be seventy-five feet;

3007           2. For all other development not identified in subsection B.1. of this section:

3008           a. If a geological critical area report is not submitted to the department, the  
3009 minimum buffer shall be fifty feet; and

3010           b. For (~~building~~) permits (~~for~~) associated with single detached dwelling  
3011 units only, the department may waive the (~~special study~~) geological critical area report  
3012 requirement and authorize buffer reductions if the department determines that the  
3013 reduction will adequately protect the proposed development and the geological critical  
3014 area;

3015 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
3016 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is  
3017 prohibited; and

3018 D. ~~((All a))~~Alterations ~~((are))~~ may be allowed in the following circumstances:

3019 1. Slopes ~~((which))~~ that are forty percent or steeper with a vertical elevation  
3020 change of up to twenty feet, if no adverse impact will result from the exemption based on  
3021 King County's review of and concurrence with a ~~((soils))~~ geological critical area report  
3022 prepared by a ~~((geologist or geotechnical engineer))~~ geological professional; and

3023 2. The approved regrading of any slope ~~((which))~~ that was created through  
3024 previous legal grading activities. Any slope ~~((which))~~ that remains forty percent or  
3025 steeper following site development shall be subject to all requirements for steep slopes.

3026 SECTION 64. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
3027 are hereby amended to read as follows:

3028 The map entitled King County Critical Aquifer Recharge Areas, included in  
3029 Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer  
3030 recharge areas in King County in accordance with RCW 36.70A.170, unless a  
3031 designation is modified by notices of map amendment prepared according to K.C.C.  
3032 21A.24.312, in which case the notice of map amendment shall supersede the map.

3033 SECTION 65. Ordinance 15051, Section 173, as amended, and K.C.C.  
3034 21A.24.312 are hereby amended to read as follows:

3035 A. Upon application supported by a critical area~~((s))~~ report that includes a  
3036 hydrogeologic site evaluation, the department, in consultation with the department of

3037 natural resources and parks, may determine that an area that is or is not classified as a  
3038 critical aquifer recharge area on the map adopted under K.C.C. 21A.24.311:

3039 ~~((A.))~~ 1. Does not meet the criteria for a critical aquifer recharge area and  
3040 declassify that area if it is classified as a critical aquifer recharge area;

3041 ~~((B.))~~ 2. Has the wrong critical aquifer recharge area classification and determine  
3042 the correct classification; or

3043 ~~((C.))~~ 3. Has not been classified as a critical aquifer recharge area and should be  
3044 so classified based on the standards of K.C.C. 21A.24.313.

3045 B. Upon reclassification or declassification, a notice of map amendment for the  
3046 affected parcel or parcels shall be sent from the department of natural resources and parks  
3047 to the property owner, the property owner's representative, if applicable, and the county  
3048 assessor.

3049 SECTION 66. Ordinance 15051, Section 174, as amended, and K.C.C.  
3050 21A.24.313 are hereby amended to read as follows:

3051 Critical aquifer recharge areas are categorized as follows:

3052 A. Category I critical aquifer recharge areas include those mapped areas that  
3053 King County has determined are:

3054 1. Highly susceptible to groundwater contamination and that are located within  
3055 a sole source aquifer or a wellhead protection area; or

3056 2. In an area where hydrogeologic mapping or a numerical flow transport model  
3057 in a Washington department of health approved wellhead protection plan demonstrate  
3058 that the area is within the one-year time of travel to a wellhead for a Group A water  
3059 system;



3060 B. Category II critical aquifer recharge areas include those mapped areas that  
3061 King County has determined:

3062 1. Have a medium susceptibility to ground water contamination and are located  
3063 in a sole source aquifer or a wellhead protection area; or

3064 2. Are highly susceptible to groundwater contamination and are not located in a  
3065 sole source aquifer or wellhead protection area; and

3066 C. Category III critical aquifer recharge areas include those mapped areas that  
3067 King County has determined have low susceptibility to groundwater contamination and  
3068 are located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~  
3069 Vashon-Maury Island.

3070 SECTION 67. Ordinance 15051, Section 179, as amended, and K.C.C.  
3071 21A.24.316 are hereby amended to read as follows:

3072 The following development standards apply to development proposals and  
3073 alterations on sites containing critical aquifer recharge areas:

3074 A. Except as otherwise provided in subsection H. of this section, the following  
3075 new development proposals and alterations are not allowed on a site located in a category  
3076 I critical aquifer recharge area:

3077 1. Transmission pipelines carrying petroleum or petroleum products;

3078 2. Sand and gravel, and hard rock mining unless:

3079 a. the site has mineral zoning as of January 1, 2005; or

3080 b. mining is a permitted use on the site and the critical aquifer recharge area  
3081 was mapped after the date a complete application for mineral extraction on the site was  
3082 filed with the department;

- 3083           3. Mining of any type below the upper surface of the saturated ground water that  
3084 could be used for potable water supply;
- 3085           4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3086           5. Hydrocarbon extraction;
- 3087           6. Commercial wood treatment facilities on permeable surfaces;
- 3088           7. Underground storage tanks, including tanks that are exempt from the  
3089 requirements of chapter 173-~~360A~~ WAC, with hazardous substances, as defined in  
3090 chapter (~~(70.105)~~) 70A.300 RCW, that do not comply with standards of chapter 173-  
3091 360A WAC and K.C.C. Title 17;
- 3092           8. Above-ground storage tanks for hazardous substances, as defined in chapter  
3093 (~~(70.105)~~) 70A.300 RCW, unless protected with primary and secondary containment  
3094 areas and a spill protection plan;
- 3095           9. Golf courses;
- 3096           10. Cemeteries;
- 3097           11. Wrecking yards;
- 3098           12. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3099 defined in K.C.C. chapter 10.04; and
- 3100           13. On lots smaller than one acre, an on-site septic system, unless:
- 3101               a. the system is approved by the Washington state Department of Health and  
3102 has been listed by the Washington (~~(S)~~)state Department of Health as meeting treatment  
3103 standard N as provided in (~~(WAC)~~) chapter 426-272A WAC; or

3104           b. (~~the Seattle-King County department of~~) public health - Seattle & King  
3105 County determines that the systems required under subsection A.13.a. of this section will  
3106 not function on the site.

3107           B. Except as otherwise provided in subsection H. of this section, the following  
3108 new development proposals and alterations are not allowed on a site located in a category  
3109 II critical aquifer recharge area:

3110           1. Mining of any type below the upper surface of the saturated ground water that  
3111 could be used for potable water supply;

3112           2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3113           3. Hydrocarbon extraction;

3114           4. Commercial wood treatment facilities located on permeable surfaces;

3115           5.a. Underground storage tanks with hazardous substances, as defined in chapter  
3116 70.105 RCW, that do not comply with requirements of chapter 173-360A WAC and

3117 K.C.C. Title 17, ((E))except for a category II critical aquifer recharge area located over  
3118 an aquifer underlying (~~an island that is surrounded by saltwater, underground storage~~  
3119 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~  
3120 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17)) Vashon-Maury Island; and~~

3121           b. For a category II critical aquifer recharge area located over an aquifer  
3122 underlying (~~an island that is surrounded by saltwater~~) Vashon-Maury Island,  
3123 underground storage tanks, including underground storage tanks exempt from the  
3124 requirements of chapter 173-360A WAC, with hazardous substances, as defined in  
3125 chapter 70.105 RCW, that do not comply with the standards in chapter 173-360A WAC  
3126 and K.C.C. Title 17;

- 3127           6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3128 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3129 protection plan;
- 3130           7. Wrecking yards;
- 3131           8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3132 defined in K.C.C. chapter 10.04; and
- 3133           9. On lots smaller than one acre, an on-site septic systems, unless:
- 3134           a. the system is approved by the Washington state Department of Health and  
3135 has been listed by the Washington state Department of Health as meeting treatment  
3136 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or
- 3137           b. ~~((the Seattle-King County department of))~~ public health - Seattle & King  
3138 County determines that the systems required under subsection B.9.a. of this section will  
3139 not function on the site.
- 3140           C. Except as otherwise provided in subsection H. of this section, the following  
3141 new development proposals and alterations are not allowed on a site located in a category  
3142 III critical aquifer recharge area:
- 3143           1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3144           2. Hydrocarbon extraction;
- 3145           3. Commercial wood treatment facilities located on permeable surfaces;
- 3146           4. Underground storage tanks, including tanks exempt from the requirements of  
3147 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~  
3148 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and  
3149 K.C.C. Title 17;

3150           5. Above ground storage tanks for hazardous substances, as defined in chapter  
3151 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment  
3152 areas and a spill protection plan;

3153           6. Wrecking yards; and

3154           7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3155 defined in K.C.C. chapter 10.04.

3156           D. The following standards apply to development proposals and alterations that  
3157 are substantial improvements on a site located in a critical aquifer recharge area:

3158           1. The owner of an underground storage tank, including a tank that is exempt  
3159 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer  
3160 recharge area or a category II critical aquifer recharge area located over an aquifer  
3161 underlying Vashon-Maury Island shall either bring the tank into compliance with the  
3162 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or  
3163 remove the tank; and

3164           2. The owner of an underground storage tank in a category II critical aquifer  
3165 recharge area not located on located over an aquifer underlying Vashon-Maury Island  
3166 shall bring the tank into compliance with the standards of chapter 173-360A WAC and  
3167 K.C.C. Title 17 or shall properly decommission or remove the tank.

3168           E. In any critical aquifer recharge area, the property owner shall properly  
3169 decommission an abandoned well.

3170           F. On a site located in a critical aquifer recharge area within the urban growth  
3171 area, a development proposal for new residential development, including, but not limited  
3172 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management

3173 practices included in the King County Surface Water Design Manual into the site design  
3174 in order to infiltrate stormwater runoff to the maximum extent practical.

3175 G. For critical aquifer recharge areas on Vashon-Maury Island:

3176 1. No new groundwater wells are permitted within a coastal high hazard area. A  
3177 rainwater catchment system may be used as an alternative water supply source for a  
3178 single ((family)) detached residence if the requirements of ((K.C.C.)) King County Board  
3179 of Health Code BOH 13.04.070 are met;

3180 2. All new groundwater wells within a sea level rise risk area shall include a  
3181 surface seal that prevents risks of saltwater contamination caused by sea level rise  
3182 conditions anticipated to occur over the next fifty years; and

3183 3. The owner of a new well located within the sea level rise risk area shall test  
3184 the well for chloride levels using testing protocols approved by the Washington state  
3185 Department of Health. The owner shall report the results of the test to ((Seattle-King  
3186 County department of)) public health – Seattle & King County and to the department of  
3187 natural resources and parks. If the test results indicate saltwater intrusion is likely to  
3188 occur, the department of natural resources and parks, in consultation with ((Seattle-King  
3189 County department of)) public health - Seattle & King County, shall recommend  
3190 appropriate measures in addition to the minimum requirements of this title to prevent  
3191 saltwater intrusion.

3192 H. On a site greater than twenty acres, the department may approve a  
3193 development proposal otherwise prohibited by subsections A., B., and C. of this section if  
3194 the applicant demonstrates through a critical area report that the development proposal is  
3195 located outside the critical aquifer recharge area and that the development proposal will

3196 not cause an ~~an~~ (~~significant~~) adverse (~~environmental~~) impact to the critical aquifer  
3197 recharge area.

3198 I. The provisions relating to underground storage tanks in subsections A. through  
3199 D. of this section apply only when the proposed regulation of underground storage tanks  
3200 has been submitted to and approved by the Washington state ~~((d))~~ Department of  
3201 ~~((e))~~ Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~  
3202 ~~530))~~ 173-360-0130.

3203 SECTION 68. Ordinance 15051, Section 183, as amended, and K.C.C.  
3204 21A.24.318 are hereby amended to read as follows:

3205 A. Identification of wetlands and delineation of their boundaries shall be done in  
3206 accordance with the approved federal wetland delineation manual and applicable regional  
3207 supplement as set forth in WAC 173-22-035.

3208 B. Wetlands shall be rated into category I, category II, category III<sub>2</sub> and category  
3209 IV based on the adopted Washington State Wetland Rating System for Western  
3210 Washington, Washington state Department of Ecology publication number ~~((14-06-029))~~  
3211 23-06-009, published October 2014 and updated July 2023.

3212 C. Wetland rating categories shall not recognize illegal modifications.

3213 SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C.  
3214 21A.24.325 are hereby amended to read as follows:

3215 A. Except as otherwise provided in this section, buffers shall be provided from  
3216 the wetland edge as follows:

3217 1. The buffers shown on the following table apply unless modified in  
3218 accordance with subsections B., C., D.<sub>2</sub> and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Wetlands of High Conservation Value	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Bog	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Estuarine	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <u>150</u> feet
Coastal Lagoon	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <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



<b>Category II</b>			
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 level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
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
<b>Category IV</b>	<del>((50))</del> 60 feet	<del>((40))</del> 45 feet	<del>((25))</del> 35 feet

3219                   2. For purposes of this subsection A., unless the director determines a lesser  
3220 level of impact is appropriate based on information provided by the applicant, the  
3221 intensity of impact of the adjacent land use is determined as follows:  
3222                   a. High impact includes:  
3223                   (1) sites zoned commercial or industrial;

- 3224 (2) commercial, institutional, or industrial use on a site regardless of the  
3225 zoning classification;
- 3226 (3) nonresidential use on a site zoned for residential use, such as  
3227 telecommunication towers and associated equipment;
- 3228 (4) high-intensity active recreation use on a site regardless of zoning, such as  
3229 golf courses, ball fields, and similar use;
- 3230 (5) all sites within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area; ~~((Ø))~~
- 3231 (6) Residential zoning greater than one dwelling unit per acre;
- 3232 (7) railroads; or
- 3233 (8) federal and state highways, including on ramps and exits, state routes, and  
3234 other roads associated with high impact land uses;
- 3235 b. Moderate impact includes:
- 3236 (1) residential uses on sites zoned residential one dwelling unit per acre or  
3237 less;
- 3238 (2) residential use on a site zoned rural area, agriculture, or forestry;
- 3239 (3) agricultural uses without an approved farm management plan;
- 3240 (4) forest service roads and roads associated with moderate impacts;
- 3241 (5) utility corridors or right-of-way shared by several utilities, including  
3242 maintenance roads; or
- 3243 ~~((5))~~ (6) moderate-intensity active recreation or open space use, such as  
3244 paved trails, parks with biking, jogging, and similar use; and
- 3245 c. Low impact includes:
- 3246 (1) forestry use on a site regardless of zoning classification;

3247 (2) passive recreation uses, such as unpaved trails, nature viewing areas,  
3248 fishing and camping areas, and other similar uses that do not require permanent  
3249 structures, on a site regardless of zoning;

3250 (3) agricultural uses carried out in accordance with an approved farm  
3251 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.  
3252 21A.24.045.D.54.; or

3253 (4) utility corridors without a maintenance road and little or no vegetation  
3254 maintenance.

3255 B. The department may approve a modification of the minimum buffer width  
3256 required by this section by averaging the buffer width if:

3257 1. The department determines that:

3258 a. the buffer averaging will improve wetland protection if the wetland has  
3259 significant differences in characteristics that effect habitat functions, such as a wetland  
3260 with a forested component adjacent to a degraded emergent component or a "dual-rated"  
3261 wetland with a Category I area adjacent to a lower-rated area; or

3262 b. averaging includes the corridors of a wetland complex; and

3263 2. The resulting buffer meets the following standards:

3264 a. the total area of the buffer after averaging is equivalent to or greater than the  
3265 area of the buffer before averaging;

3266 b. the additional buffer is contiguous with the standard buffer;

3267 c. the buffer at its narrowest point is never less than ~~((either))~~ seventy-five  
3268 percent of the required width ~~((or seventy five feet for Category I and II, fifty feet for~~  
3269 ~~Category III, and twenty five feet for Category IV, whichever is greater));~~

3270 d. the averaged buffer will not result in degradation of wetland functions and  
3271 values as demonstrated by an ecological critical area report (~~from a qualified wetland~~  
3272 ~~professional; and~~);

3273 e. the buffer is increased adjacent to the higher functioning area of habitat or  
3274 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or  
3275 less-sensitive portion (~~as demonstrated by a critical area report from a qualified wetland~~  
3276 ~~professional~~);

3277 f. buffer averaging cannot be combined with other buffer reductions or  
3278 modifications allowed in this title; and

3279 g. indirect impacts are assessed and mitigated.

3280 C. Wetland buffer widths shall also be subject to modifications under the  
3281 following special circumstances:

3282 1. For wetlands containing documented habitat for endangered, threatened, or  
3283 species of local importance, the following shall apply:

3284 a. the department shall establish the appropriate buffer, based on a habitat  
3285 assessment, to ensure that the buffer provides adequate protection for the sensitive  
3286 species; and

3287 b. the department may apply the buffer reduction rules in subsection C.~~(6)~~5.  
3288 of this section (~~and~~) or the buffer averaging rules in subsection B. of this section~~(7)~~.

3289 2. For a wetland buffer that includes a steep slope hazard area or landslide  
3290 hazard area, the (~~buffer~~) width (~~is~~) shall be the greater of:

3291 a. the buffer width required by the wetland's category in this section; or

3292            b. the buffer width required by the wetland's category in this section, extended  
3293 upslope towards the top of the landslide or steep slope hazard area, as measured  
3294 perpendicular to topographic contours, up to a maximum total width of twice the wetland  
3295 buffer width otherwise required;

3296            3. For a wetland complex located outside the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area  
3297 established by the King County Comprehensive Plan or located within the ~~((U))~~urban  
3298 ~~((G))~~growth ~~((A))~~area in a basin designated as "high" on the Basin and Shoreline  
3299 Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer  
3300 width is determined as follows:

3301            a. the buffer width for each individual wetland in the complex is the same  
3302 width as the buffer width required for the category of wetland;

3303            b. if the buffer of a wetland within the complex does not touch or overlap with  
3304 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
3305 that wetland to one other wetland buffer in the complex considering the following  
3306 factors:

3307            (1) the corridor is designed to support maintaining viable wildlife species that  
3308 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3309 during a critical life cycle stage, such as breeding, rearing, or feeding;

3310            (2) the corridor minimizes fragmentation of the wetlands;

3311            (3) higher category wetlands are connected through corridors before lower  
3312 category wetlands; and

3313            (4) the corridor width is at least twenty-five percent of the length of the  
3314 corridor, but no less than twenty-five feet in width; and

3315 (5) shorter corridors are preferred over longer corridors;

3316 c. wetlands in a complex that are connected by an aquatic area that flows

3317 between the wetlands are not required to be connected through a corridor;

3318 d. the department may exclude a wetland from the wetland complex if the

3319 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

3320 that are commonly recognized to exclusively or partially use wetlands and wetland

3321 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

3322 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are

3323 allowed in corridors subject to the same conditions and requirements as wetland buffers

3324 as long as the alteration is designed so as not to disrupt wildlife movement through the

3325 corridor;

3326 4. Where a legally established public roadway transects a wetland buffer, the

3327 department may approve a modification of the minimum required buffer width to the

3328 edge of the roadway if:

3329 a. the part of the buffer on the other side of the roadway sought to be reduced:

3330 ~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development~~

3331 ~~or the))~~ wetland functions and values from the proposed development; and

3332 ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer

3333 functions relating to the other portion of the buffer adjacent to the wetland; and

3334 b. the applicant provides a written evaluation that includes;

3335 (1) a description of the vegetative composition, hydrologic regime,

3336 topography, and development on both sides of the roadway;

3337           (2) an assessment of the functions that the buffer provides on the other side of  
3338 the roadway for wildlife habitat, water quality, and water quantity; and

3339           (3) an analysis of how the roadway will fully disconnect the buffer from  
3340 providing the assessed functions, and whether the disconnection will affect the entirety of  
3341 the buffer; and

3342           5. ~~((If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
3343 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~  
3344 ~~exceed the standard for a low impact land use, unless the department determines that a~~  
3345 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

3346           6. ~~The buffer widths required for proposed land uses with~~) For proposed  
3347 dwelling units within the urban growth area that have high intensity impacts to wetlands,  
3348 the buffer widths can be reduced to those required for moderate intensity impacts ((under  
3349 the following conditions)) if:

3350           a. all the following measures to minimize impacts of the proposed land uses  
3351 are applied:

3352           (1) plant an area of dense, native vegetation or climate-smart plants within the  
3353 remaining buffer that is equal to or greater than the area by which the buffer was reduced;

3354           (2) install wildlife lighting and direct all light away from the wetland;

3355           (3) install wildlife passable fencing at the edge of the wetland buffer;

3356           (4) attach critical area signs to wildlife-passable fencing every fifty to  
3357 seventy-five linear feet;

3358           (5) submit an integrated pest and weed management plan that prohibits the  
3359 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

3360                    (6) demonstrate how each of the following meets the core requirements in the  
3361 King County Surface Water Design Manual, including:

- 3362                    (a) stormwater runoff;
- 3363                    (b) change in water regime; and
- 3364                    (c) erosion and dust control; and

3365                    b. ((F))for wetlands that score moderate or high for habitat functions((, which  
3366 means six points or higher, the width of the buffer can be reduced if both of the following  
3367 criteria are met:

3368                    (1) ~~A~~)a relatively undisturbed vegetated corridor at least one-hundred feet  
3369 wide is protected between the wetland and ((any other Priority Habitats as defined by the  
3370 Washington state Department of Fish and Wildlife in the priority habitat and species list))  
3371 a legally-protected, relatively undisturbed and vegetated area. The corridor must be  
3372 protected for the entire distance between the wetland and the ((priority habitat)) legally  
3373 protected vegetated area and ((legally)) recorded via a conservation easement; and

3374                    (2) ~~Measures to minimize the impacts of different land uses on wetlands as~~  
3375 identified in subsection C.6.b. of this section are applied; and

3376                    b. For wetlands that score low for habitat, which means less than six points, the  
3377 buffer width can be reduced to that required for moderate intensity impacts by applying  
3378 measures to minimize impacts of the proposed land uses, as follows:

3379                    c. the proposed project does not impact the reduced buffer.

<del>((Disturbance</del>	<del>Measures to minimize impacts</del>
Lights	Direct lights away from wetland.



Noise	<p>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.</p>
Toxic runoff	<p>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.</p>
Stormwater runoff	<p>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.</p>
Change in water regime	<p>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</p>
Pets and human disturbance	<p>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.</p>

Dust	Use best management practices to control dust.))
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3380 D. The department may approve a modification to the buffers established in  
3381 subsection A. of this section if the wetland was created or its characterization was  
3382 upgraded as part of a voluntary enhancement or restoration project.

3383 E. If the site is located within the shoreline jurisdiction, the department shall  
3384 determine that a proposal to reduce wetland buffers under this section will result in no net  
3385 loss of shoreline ecological functions or wetland functions and values.

3386 SECTION 70. Ordinance 15051, Section 187, as amended, and K.C.C.  
3387 21A.24.335 are hereby amended to read as follows:

3388 The following development standards apply to development proposals and  
3389 alterations on sites containing wetlands or their buffers:

3390 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3391 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3392 B. ~~((The applicant))~~ Applicants may include climate-smart plants that have been  
3393 approved by King County in mitigation or restoration projects, but shall not otherwise  
3394 introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any  
3395 wetland or wetland buffer unless authorized by a state or federal permit or approval; and

3396 C. ~~((A category IV wetland less than two thousand five hundred square feet that~~  
3397 ~~is not part of a wetland complex may be altered in accordance with an approved~~  
3398 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~  
3399 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~  
3400 ~~on the type of mitigation measures proposed; and~~

3401           D.)) Alterations to category I wetlands containing bogs or fens are limited to  
3402 K.C.C. 21A.24.045 D.20. and D.52.

3403           SECTION 71. Ordinance 10870, Section 481, as amended, and K.C.C.  
3404 21A.24.340 are hereby amended to read as follows:

3405           In addition to the requirements in ((K.C.C. 21A.24.125 and 21A.24.130)) this  
3406 chapter, the following applies to mitigation to compensate for ((the)) adverse impacts  
3407 ((associated with an alteration)) to a wetland or wetland buffer:

3408           A. Mitigation measures must achieve equivalent or greater wetland functions,  
3409 including, but not limited to:

3410           1. Habitat functions such as complexity, connectivity, and other biological  
3411 functions; and

3412           2. Hydrological functions, such as ((S))seasonal hydrological dynamics, as  
3413 provided in the King County Surface Water Design Manual;

3414           B. The following ratios of area of mitigation to area of ((alteration)) impacts  
3415 apply to mitigation measures for permanent alterations except as otherwise provided in  
3416 subsection E. of this section:

3417           1. For ((alterations)) impacts to a wetland buffer, a ratio of ((one to one; and))  
3418 one-to-one on-site, and two-to-one off-site;

3419           2. For ((alterations)) direct impacts to a wetland that result in permanent, direct  
3420 loss of wetland area:

<b>Category and type of</b>	<b>Wetland reestablishment</b>	<b>Wetland rehabilitation</b>	<b>1:1 Wetland reestablishment or</b>	<b>Wetland enhancement</b>
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wetland	or creation		wetland creation (R/C) and wetland enhancement (E)	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 <del>((2))</del> 4:1 E	8:1
Category II estuarine	Case-by-case	<del>((4))</del> 6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	<del>((8))</del> 6:1	1:1 R/C and <del>((4))</del> 8:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and <del>((40))</del> 16:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and <del>((6))</del> 12:1 E	Case-by-case
Category I wetlands of high	Not allowed	<del>((6:1</del> rehabilitation of a wetland of high	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case

conservation value		<del>conservation value</del> ) <u>Case-by-case</u>		
Category I coastal lagoon	Not allowed	<del>((6))8:1</del> rehabilitation of a coastal lagoon	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case
Category I bog	Not allowed	<del>((6:1</del> rehabilitation of a bog)) <u>Case-by-case</u>	<del>((Case-by-case))</del> <u>Not allowed</u>	Case-by-case
Category I estuarine	Case-by-case	<del>((6))8:1</del> rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3421 3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to  
 3422 area of impact required by subsection B.2. of this section.

3423 C. The following ratios of area of mitigation to area of ~~((alteration))~~ impact apply  
 3424 to mitigation measures for temporary ~~((alterations))~~ impacts where wetlands will not be  
 3425 impacted by permanent fill material or removal of old growth or mature trees, as defined  
 3426 in the Washington state Department of Fish and Wildlife Priority Habitat and Species list,  
 3427 publication 2008 and updated 2023, but where impacted functions are expected to take  
 3428 longer than one year to be restored, except as otherwise provided in subsection E. of this  
 3429 section:

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	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	<del>((6))</del> <u>8</u> :1	4.5:1	3:1	<del>((3))</del> <u>4</u> :1	2:1	1.5:1
Category II	<del>((3))</del> <u>6</u> :1	<del>((2))</del> <u>3</u> :1	1.5:1	<del>((1.5))</del> <u>3</u> :1	<u>1.5</u> :1	.75:1
Category III	<del>((2))</del> <u>4</u> :1	<del>((1.5))</del> <u>2</u> :1	1:1	<del>((1))</del> <u>2</u> :1	<del>((0.75))</del> <u>1</u> :1	.5:1
Category IV	<del>((1.5))</del> <u>3</u> :1	<u>1.5</u> :1	.75:1	<del>((Not applicable))</del> <u>1.5</u> :1	<del>((Not applicable))</del> <u>.75</u> :1	<del>((Not applicable))</del> <u>.25</u> :1

3430 D. The department may increase the mitigation ratios provided in subsections B.

3431 and C. of this section under the following circumstances:

3432 1. The department determines there is uncertainty as to the probable success of  
 3433 the proposed restoration or creation;

3434 2. A significant period of time will elapse between the impact caused by the  
 3435 development proposal and the establishment of wetland functions at the mitigation site;

3436 3. The proposed mitigation will result in a lower category wetland or reduced  
3437 functions relative to the wetland being impacted; ~~((or))~~

3438 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,  
3439 as defined in the Federal Standards and Procedures for the National Watershed Boundary  
3440 Dataset: United States Geological Survey, 2022, as the proposed impacts;

3441 5. The proposed mitigation site differs from the proposed impact area in  
3442 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat  
3443 characteristics;

3444 6. The proposed impact site contains documented habitat for federal or state  
3445 listed endangered, threatened, sensitive, or candidate species or King County species of  
3446 local importance; or

3447 7. The alteration causing the impact was ~~((an))~~ unauthorized ~~((impact))~~.

3448 E. ~~((The department may decrease the mitigation ratios provided in subsections~~  
3449 ~~B. and C. of this section under the following circumstances))~~ When the use of wetland  
3450 mitigation bank or in lieu fee program credits is approved as off-site compensatory  
3451 mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:

3452 1. ~~((The applicant demonstrates by documentation submitted by a qualified~~  
3453 ~~wetland specialist that the proposed mitigation actions have a very high likelihood of~~  
3454 ~~success based on hydrologic data and prior experience;~~

3455 2. ~~The applicant demonstrates by documentation by a qualified wetland~~  
3456 ~~specialist that the proposed actions for compensation will provide functions and values~~  
3457 ~~that are significantly greater than the wetland being impacted;~~

3458           3. ~~The applicant demonstrates that the proposed actions for mitigation have~~  
3459 ~~been conducted in advance of the impact caused by the development proposal and that~~  
3460 ~~the actions are successful; or~~

3461           4. ~~In wetlands where several wetland hydrogeomorphic classes, including, but~~  
3462 ~~not limited to depressional, slope, riverine and flow through, are found within one~~  
3463 ~~delineated boundary, the department may decrease the ratios if:~~

3464           a. ~~impacts to the wetland are all within an area that has a different~~  
3465 ~~hydrogeomorphic class from the one used to establish the category;~~

3466           b. ~~the category of the area with a different class is lower than that of the entire~~  
3467 ~~wetland; and~~

3468           c. ~~the applicant provides adequate hydrologic and geomorphic data to establish~~  
3469 ~~that the boundary between the hydrogeomorphic classes lies outside of the footprint of~~  
3470 ~~the impacts.)) For use of wetland mitigation banks certified under Chapter 173-700~~

3471 WAC, the amount of compensatory mitigation required for impacts located in the bank  
3472 service area shall be as follows:

3473           a. For direct impacts to wetlands and wetland buffers, the ratio shall be  
3474 consistent with the approved mitigation banking instrument. If the ratio recommended in  
3475 the mitigation banking instrument is less than one bank credit to one acre of direct  
3476 permanent wetland impact, then a ratio of one bank credit to one wetland impact acre  
3477 shall be used;

3478           b. For indirect wetland impacts, one half of the ratio recommended in the  
3479 approved mitigation banking instrument; and



3480            c. For long-term temporary impacts, one quarter of the ratio recommended in  
3481 the approved mitigation banking instrument;

3482            2. For use of the King County mitigation reserves program or a state or federally  
3483 authorized in lieu fee program:

3484            a. For direct, indirect, and long-term temporary impacts to wetlands located in  
3485 the in lieu fee service area, the amount of compensatory mitigation required shall be  
3486 consistent with the in lieu fee program instrument and result in no net loss of wetland  
3487 functions and values; and

3488            b. For impacts to wetland buffers, the ratio shall be one to one; and

3489            3. Compensatory mitigation for other approved off-site mitigation options shall  
3490 be consistent with ratios in subsections B., C., and D. of this section.

3491            F. For temporary (~~(alterations)~~) impacts to a wetland or its buffer that are  
3492 predominately woody vegetation, the department may require mitigation in addition to  
3493 restoration of the altered wetland or buffer; and

3494            G. Mitigation of (~~(an alteration)~~) impacts to a buffer of a wetland that occurs  
3495 along an aquatic area lake shoreline in accordance with an allowed alteration under this  
3496 chapter shall include, but is not limited to, on-site revegetation, maintenance, and other  
3497 restoration of the buffer or setback area to the maximum extent practical.

3498            SECTION 72. Ordinance 15051, Section 192, as amended, and K.C.C.

3499 21A.24.355 are hereby amended to read as follows:

3500            A. Aquatic areas are (~~(categorized or)~~) "typed" as follows:

3501 1. Type S waters include all aquatic areas inventoried as "shorelines of the state"  
3502 under King County's ~~((S))~~ shoreline ~~((M))~~ master ~~((P))~~ program ~~((, K.C.C. chapter 21A.25,~~  
3503 ~~in accordance with chapter 90.58 RCW))~~;

3504 2. Type F waters include all segments of aquatic areas that are not type S waters  
3505 and that contain fish or fish habitat, including waters diverted for use by a federal, state,  
3506 or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or  
3507 the entire tributary if the tributary is highly significant for protection of downstream  
3508 water quality~~((;))~~. Type F waters, which may be ephemeral, may be classified by:

3509 a. the presence of fish;

3510 b. a stream segment with a defined channel of two feet or greater bank full  
3511 width and a gradient less than twenty percent; or

3512 c. any stream located within the floodplain of type S or F water.

3513 3. Type N waters include all segments of aquatic areas that are not type S or F  
3514 waters and that are physically connected to type S or F waters by ~~((an above-ground))~~ a  
3515 channel or piped system, stream, or wetland; and

3516 4. Type O waters include all segments of aquatic areas that are not type S, F<sub>1</sub> or  
3517 N waters and that are not physically connected to type S, F<sub>1</sub> or N waters by a ~~((an above-~~  
3518 ~~ground))~~ channel or piped system, ~~((pipe or culvert,))~~ stream, or wetland, and which  
3519 infiltrate water into the ground.

3520 B. For the purposes of the water types in subsection A. of this section, ~~((an~~  
3521 ~~above-ground))~~ a channel system is ~~((considered to be))~~ present if the ~~((one-hundred~~  
3522 ~~year))~~ floodplains of both the contributing and receiving waters are connected.

3523           ~~((C. The department may determine that an area upstream of a legal human-made~~  
3524 ~~barrier is not fish habitat considering the following factors:~~

3525           ~~1. The human-made barrier is located beneath public infrastructure that is~~  
3526 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~  
3527 ~~public infrastructure;~~

3528           ~~2. The human-made barrier is in the Urban Growth Area established by the~~  
3529 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~  
3530 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~

3531           ~~3. The human-made barrier is located in a subbasin that is not designated "high"~~  
3532 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~  
3533 ~~Ordinance 15051; or~~

3534           ~~4. The human-made barrier is not identified for removal by a public agency or~~  
3535 ~~in an adopted watershed plan.))~~

3536           SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C.  
3537 21A.24.358 are hereby amended to read as follows:

3538           A. ~~((Aquatic area buffers))~~ Riparian areas shall be measured as follows:

3539           1. From the ordinary high water mark of the adjacent aquatic area, or from the  
3540 top of bank if the ordinary high water mark cannot be identified;

3541           2. If the adjacent aquatic area is located within a mapped severe channel  
3542 migration hazard area, the ~~((aquatic area buffer))~~ riparian area width shall be ~~((the greater~~  
3543 ~~of the aquatic area buffer width as))~~ measured ~~((consistent with subsection A.1. of this~~  
3544 ~~section or))~~ from the outer edge of the severe channel migration hazard area; ~~((and))~~

3545 3. If the ~~((aquatic area buffer))~~ riparian area includes a steep slope hazard area  
3546 or a landslide hazard area, the ~~((aquatic area buffer))~~ riparian area width is the greater of  
3547 ~~((either))~~

3548 a. the ~~((aquatic area buffer))~~ riparian area width as required in this section ~~((or~~  
3549 ~~the top of the hazard area))~~; or

3550 b. the riparian area width as required in this section, extended upslope towards  
3551 the top of the landslide or steep slope hazard area, as measured perpendicular to  
3552 topographic contours, up to a maximum total width of twice the riparian area width  
3553 otherwise required;

3554 4. If the adjacent aquatic area is located within an alluvial fan, the riparian area  
3555 width is the greater of:

3556 a. the riparian area width as defined in this section; or

3557 b. the extent of the alluvial fan hazard area; and

3558 5. If the adjacent aquatic area is conveyed underground, the riparian area width  
3559 is measured only from the above-ground portion of the aquatic area. This riparian area  
3560 extends in all directions from the point at which the aquatic area enters or exits the  
3561 underground conveyance system.

3562 B. Within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area, ~~((aquatic area buffers))~~ riparian  
3563 area widths shall be as follows:

3564 ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~

3565 ~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"~~  
3566 ~~on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~

3567 ~~3. A type N aquatic area buffer is sixty five feet; and~~

3568 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 in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map</u>	<u>200 feet</u>
<u>All other S or F</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

3569 C. Outside the ~~((U))urban ((G))growth ((A))area, ((aquatic area buffers))~~ riparian  
 3570 areas shall be as follows:

3571 ~~((1. A type S or F aquatic area buffer is one hundred sixty five feet;~~

3572 ~~2. A type N aquatic area buffer is sixty five feet; and~~

3573 ~~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>

3574 D. ~~((Within the Bear Creek drainage basin a type N aquatic area buffer in a~~  
 3575 ~~designated regionally significant resource area is one hundred feet.~~

3576 ~~E.))~~ The department may approve a modification of ~~((buffer widths if))~~ a riparian  
 3577 area width required by this section by averaging the riparian area width, if the resulting  
 3578 riparian area meets the following standards:

3579 1. ~~((a. The department determines that through buffer averaging the ecological~~  
3580 ~~structure and function of the resulting buffer is equivalent to or greater than the structure~~  
3581 ~~and function before averaging and meets the following standards:~~

3582 (1) ~~the total area of the buffer is not reduced;~~

3583 (2) ~~the buffer area is contiguous; and~~

3584 (3) ~~averaging does not result in the reduction of the minimum buffer for the~~  
3585 ~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~  
3586 ~~migration hazard area;~~

3587 b. ~~the applicant demonstrates that the buffer cannot provide certain functions~~  
3588 ~~because of soils, geology or topography, in which case the department shall establish a~~  
3589 ~~buffer width that protects the remaining ecological functions that the buffer can provide;~~

3590 c. ~~the site is zoned RA and is subject to an approved rural stewardship plan. In~~  
3591 ~~modifying the buffers, the department shall consider factors such as, the basin and~~  
3592 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~  
3593 ~~condition and the amount of clearing;~~

3594 d. ~~a legally established roadway transects an aquatic area buffer, the roadway~~  
3595 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~  
3596 ~~the other side of the roadway provides insignificant biological or hydrological function in~~  
3597 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

3598 e. ~~the aquatic area is created or its type is changed as a result of enhancement~~  
3599 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~  
3600 ~~and~~

3601           ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~  
3602 ~~shoreline ecological functions will result when considering projects that combine reduced~~  
3603 ~~buffers and habitat restoration.))~~ The total land area amount of the riparian area after  
3604 averaging is equivalent to or greater than the total land area amount of the riparian area  
3605 before averaging;

3606           2. The additional riparian area is contiguous with the standard riparian area;

3607           3. The riparian area at its narrowest point is never less than seventy-five percent  
3608 of the standard required width;

3609           4. The width of the riparian area is increased adjacent to the higher functioning  
3610 habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to  
3611 the lower functioning or less sensitive portion, as demonstrated by an ecological critical  
3612 area report from an ecological professional;

3613           5. No net loss of riparian area or adjacent aquatic area functions and values will  
3614 occur as a result of the averaging, as demonstrated by an ecological critical area report  
3615 from an ecological professional;

3616           6. Where the riparian area includes a steep slope, landslide, or alluvial fan  
3617 hazard area, the width of the riparian area is not reduced waterward of the extent of the  
3618 hazard areas;

3619           7. If the site is located within the shoreline jurisdiction, no net loss of shoreline  
3620 ecological functions will result; and

3621           8. Riparian area averaging cannot be combined with any other riparian area  
3622 width modifications.

3623            SECTION 74. Ordinance 15051, Section 195, as amended, and K.C.C.

3624 21A.24.365 are hereby amended to read as follows:

3625            The following development standards apply to development proposals and  
3626 alterations on sites containing aquatic areas or ~~((their buffers))~~ riparian areas:

3627            A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3628 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic  
3629 area buffers))~~ riparian areas;

3630            B. Grading for allowed alterations in ~~((aquatic area buffers))~~ riparian areas is  
3631 only allowed from May 1 to October 1. This period may be modified when the  
3632 department determines it is necessary along marine shorelines to protect critical forage  
3633 fish and salmonid migration or as provided in K.C.C. 16.82.095;

3634            C. The moisture-holding capacity of the topsoil layer on all areas of the site not  
3635 covered by impervious surfaces should be maintained by:

- 3636            1. Minimizing soil compaction, or  
3637            2. Reestablishing natural soil structure and the capacity to infiltrate;

3638            D. New structures within a ~~((n-aquatic area buffer))~~ riparian area should be sited  
3639 to avoid the creation of future hazard trees and to minimize the impact on groundwater  
3640 movement; ~~((and))~~

3641            E. To the maximum extent practical:

- 3642            1. The soil duff layer should not be disturbed, but if disturbed, should be  
3643 redistributed to other areas of the project site where feasible;



3644 2. A spatial connection should be provided between vegetation within and  
3645 outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw hazards;  
3646 and

3647 3. Hazard trees ~~((should be retained))~~ in ~~((aquatic area buffers))~~ riparian areas  
3648 ~~((and))~~ should be either topped or pushed over toward the aquatic area, and not taken out  
3649 of the riparian area; ~~((and))~~

3650 F. Mitigation or restoration projects may include climate-smart plants approved  
3651 by King County, but shall not otherwise introduce any plant or wildlife that is not  
3652 indigenous to the Puget Sound lowland into an aquatic area or riparian area unless  
3653 authorized by state or federal approval; and

3654 G. If a restoration, enhancement, or mitigation project proposes to place large  
3655 wood ~~((woody debris))~~ waterward of the ordinary high water mark of a ~~((T))~~ type S  
3656 aquatic area, the applicant shall consider the potential for recreational hazards in project  
3657 design.

3658 SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C.  
3659 21A.24.380 are hereby amended to read as follows:

3660 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~  
3661 ~~21A.24.133))~~ this chapter, the following applies to mitigation to compensate for the  
3662 adverse impacts associated with an alteration to an aquatic area or ~~((aquatic area buffer))~~  
3663 riparian area:

3664 A. Mitigation measures ~~((must))~~ shall achieve equivalent or greater aquatic or  
3665 riparian area functions than prealteration conditions including, but not limited to:

- 3666           1. Habitat complexity, connectivity, and other biological, and ecological  
3667 functions;
- 3668           2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~  
3669 ~~quality)); ((and))~~
- 3670           3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature  
3671 control, pollution removal, water purification, and other water quality functions; and
- 3672           4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural  
3673 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial  
3674 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat  
3675 processes and functions;
- 3676           B. To the maximum extent practical, permanent ~~((alterations))~~ impacts that  
3677 require mitigation such as restoration or enhancement of the altered aquatic area~~((;~~  
3678 ~~aquatic area buffer))~~ or riparian area, or another aquatic area or ~~((aquatic area buffer must~~  
3679 ~~consider))~~ riparian area, shall document in a mitigation plan how the following design  
3680 factors~~((;))~~ have been considered as applicable to the function being mitigated:
- 3681           1. The natural channel or shoreline reach dimensions including its depth, width,  
3682 length, and gradient;
- 3683           2. The horizontal alignment and sinuosity;
- 3684           3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical  
3685 or similar substrate and similar erosion and sediment transport dynamics;
- 3686           4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;  
3687 ~~((and))~~

3688 5. Similar native vegetation or climate-smart plant species diversity, size, and  
3689 densities in the ~~((channel, sea bed or lake bottom and on the))~~ adjacent riparian ~~((bank or~~  
3690 ~~buffer))~~ area with similar configuration, spatial arrangement, and solar aspect;

3691 6. Similar slope and elevation; and

3692 7. Similar soil conditions, including moisture, saturation, and organic content;

3693 C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the  
3694 following standards:

3695 1. Not located upstream of a barrier to fish passage; and

3696 2. ~~((Is equal or greater in biological function; and~~

3697 3.)) To the maximum extent practical is:

3698 a. located on the site of the alteration or within one-half mile of the site and in  
3699 the same aquatic area reach at a ~~((1:1))~~ 2:1 ratio of area of mitigation to area of  
3700 ~~((alteration))~~ impact; or

3701 ~~((4-Is))~~ b. if unable to be located on the site or within one-half mile of the site,  
3702 located in the same aquatic area drainage subbasin or marine shoreline and attains the  
3703 following ratios of area of functional mitigation to area of ~~((alteration))~~ impact:

3704 ~~((a-))~~ (1) a 3:1 ratio for a type S or F aquatic area; and

3705 ~~((b-))~~ (2) a 2:1 ratio for a type N or O aquatic area;

3706 D. For purposes of subsection C. of this section, ~~((a))~~ mitigation ~~((measure))~~ is in  
3707 the same aquatic area reach if the length of aquatic area ~~((shoreline))~~ or adjacent riparian  
3708 area meets the following criteria:

3709 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

3710 2. Similar processes including erosion and transport of sediment and ~~((woody~~  
3711 ~~debris))~~ large wood;

3712 3. Equivalent or better biological conditions, including presence of and habitat  
3713 for invertebrates, fish, wildlife, and vegetation; and

3714 4. Equivalent or better biological functions, including fish and wildlife mating,  
3715 reproduction, rearing, migration, and refuge; ~~((or))~~ and

3716 5. For tributary streams, a distance of no more than one-half mile from the main  
3717 stem;

3718 E.1. ~~((The department may reduce the mitigation ratios in subsection C. of this~~  
3719 ~~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~~  
3720 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~  
3721 ~~includes the following elements:~~

3722 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~  
3723 ~~performance standards identified by the department;~~

3724 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~  
3725 ~~and~~

3726 3. ~~Experienced, qualified staff to perform the monitoring))~~ On-site mitigation in  
3727 riparian areas shall use the ratios in subsection E.2. of this section, unless the department  
3728 establishes an alternative mitigation ratio with supplemental actions in accordance with  
3729 subsection F. of this section;

3730 2. Ratios of area of mitigation to area of impact for on-site mitigation for  
3731 riparian areas;

<u>Adjacent Aquatic Area Type</u>	<u>On-site Compensatory Mitigation Ratio</u>
<u>Shoreline (S)</u>	<u>3:1</u>
<u>Fish bearing(F)</u>	<u>3:1</u>
<u>Non-fish bearing (N)</u>	<u>3:1</u>
<u>Other (O)</u>	<u>2:1</u>

3732 F.1. The department may approve an alternative on-site area mitigation ratio to  
 3733 subsection E. of this section when the following requirements of subsection F.2. of this  
 3734 section are met.

3735 2. Required actions for alternative on-site riparian area mitigation ratio based on  
 3736 the type of vegetation impacted;

<u>Adjacent Aquatic Area Type</u>	<u>Impacts to Woody Vegetation</u>	<u>Impacts to Non-Woody Vegetation or unvegetated Areas</u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one</u>	<u>1:1 ratio with at least two</u>
<u>Fish bearing (F)</u>	<u>primary action or three</u>	<u>secondary actions</u>
<u>Non-fish bearing (N)</u>	<u>secondary actions</u>	
<u>Other (O)</u>	<u>1:1 ratio with at least one</u>	<u>1:1 ratio with at least one</u>
	<u>primary action or two</u>	<u>secondary action</u>
	<u>secondary actions</u>	

3737 3. Primary actions:

3738 a. placing large wood in adjacent aquatic areas, if not associated with shoreline  
 3739 stabilization or flood protection facilities;

3740 b. removing a fish passage barrier, if not required by the development permit;

3741 c. removing an aquatic area transportation crossing, such as roads, bridges, or  
3742 trails, and revegetating as appropriate. Utility crossings are not included under this  
3743 action, unless the removal is part of an integrated transportation crossing removal project;

3744 d. removing shoreline armoring, revetments, or levees; or

3745 e. other similar actions as determined by the department.

3746 4. Secondary actions:

3747 a. planting native trees, climate-smart plants, and shrubs in areas of riparian  
3748 area addition lacking native vegetation that are adjacent to and contiguous with existing  
3749 riparian areas, within an area equal to one-half of the area of impact. This action cannot  
3750 be applied where the riparian area addition requires enhancement to achieve equal  
3751 function to the impact area;

3752 b. placing large wood in riparian areas or an adjacent floodplain;

3753 c. installing wildlife snags or similar wildlife nesting or rearing habitat;

3754 d. removing floodplain fill and replating with native vegetation or climate-  
3755 smart plants as appropriate; or

3756 e. other similar actions as determined by the department;

3757 G.1. If unable to be located on or within one-half mile of the site, off-site  
3758 mitigation for riparian areas in the same drainage subbasin, may be accepted by the  
3759 department and shall be in a mitigation banking site, resource mitigation reserve, or  
3760 conservation easement if on private property. Off-site mitigation shall use the ratios of  
3761 area of mitigation to area of impact in subsection G.2. of this section.

3762 2. Off-site ratios of area of mitigation to area of impact of riparian areas:

<u>Adjacent Aquatic Area Type</u>	<u>Off-Site Compensatory Mitigation</u>
	<u>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>

3763 ~~H. For rectifying an illegal alteration to any type of aquatic area or ((its buffer))~~  
3764 ~~riparian area, mitigation measures ((must meet the following standards)) shall:~~  
3765 1. ~~For an aquatic area, be ((E))located on the site of the illegal alteration at a~~  
3766 ~~((4:1))4:1 ratio of area of mitigation to area of ((alteration)) impact; ((and))~~  
3767 2. ~~For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio~~  
3768 ~~of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1~~  
3769 ~~ratio for adjacent type O aquatic areas; and~~  
3770 3. To the maximum extent practical, replicates the natural prealteration  
3771 configuration at its natural prealteration location including the factors in subsection B. of  
3772 this section((; and  
3773 ~~G. The department may modify the requirements in this section if the applicant~~  
3774 ~~demonstrates that, with respect to each aquatic area function, greater functions can be~~  
3775 ~~obtained in the affected hydrologic unit that the department may determine to be the~~  
3776 ~~drainage subbasin through alternative mitigation measures.~~  
3777 ~~H. For temporary alterations to an aquatic area or its buffer that is predominately~~  
3778 ~~woody vegetation, the department may require mitigation in addition to restoration of the~~  
3779 ~~altered aquatic area or buffer)).~~

3780            SECTION 76. Ordinance 15051, Section 198, as amended, and K.C.C.

3781 21A.24.382 are hereby amended to read as follows:

3782            The following development standards apply to development proposals and  
3783 alterations on sites containing wildlife habitat conservation areas:

3784            A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3785 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat  
3786 conservation area;

3787            B. For a bald eagle:

3788            1. The wildlife habitat conservation area is an area with a four-hundred-foot  
3789 radius from an active nest;

3790            2. Between March 15 and April 30, alterations are not allowed within eight  
3791 hundred feet of the nest; and

3792            ~~((2))~~ 3. Between January 1 and August 31, land clearing machinery, such as  
3793 bulldozers, graders or other heavy equipment, may not be operated within eight hundred  
3794 feet of the nest;

3795            C. For a great blue heron:

3796            1. The wildlife habitat conservation area is an area with an eight-hundred-  
3797 twenty-foot radius from the rookery. The department may increase the radius up to an  
3798 additional one-hundred sixty-four feet if the department determines that the population of  
3799 the rookery is declining; and

3800            2. Between January 1 and July 31, clearing or grading are not allowed within  
3801 nine-hundred-twenty-four feet of the rookery;



3802 D. For a marbled murrelet, the wildlife habitat conservation area is an area with a  
3803 one-half-mile radius around an active nest;

3804 E. For a northern goshawk, the wildlife habitat conservation area is an area with a  
3805 one-thousand-five-hundred-foot radius around an active nest located outside of the urban  
3806 growth area;

3807 F. For an osprey:

3808 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-  
3809 foot radius around an active nest; and

3810 2. Between April 1 and September 30, alterations are not allowed within six-  
3811 hundred-sixty feet of the nest;

3812 G. For a peregrine falcon:

3813 1. The wildlife habitat conservation area is an area extending for a distance of  
3814 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the  
3815 rim of the cliff, and the area immediately below the cliff;

3816 2. Between March 1 and June 30, land-clearing activities that result in loud  
3817 noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within  
3818 one-half mile of the eyrie; and

3819 3. New power lines may not be constructed within one-thousand feet of the  
3820 eyrie;

3821 H. For a spotted owl, the wildlife habitat conservation area is an area with a  
3822 three-thousand-seven-hundred-foot radius from an active nest;

3823 I. For a Townsend's big-eared bat:

3824           1. Between June 1 and October 1, the wildlife habitat conservation area is an  
3825 area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located  
3826 outside of the urban area, with an active nursery colony;

3827           2. Between November 1 and March 31, the wildlife habitat conservation area is  
3828 an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine  
3829 located outside the urban growth area serving as a winter hibernacula;

3830           3. Between March 1 and November 30, a building, bridge, tunnel, or other  
3831 structure used solely for day or night roosting may not be altered or destroyed;

3832           4. Between May 1 and September 15, the entrance into a cave or mine that is  
3833 protected because of bat presence is protected from human entry; and

3834           5. A gate across the entrance to a cave or mine that is protected because of bat  
3835 presence must be designed to allow bats to enter and exit the cave or mine;

3836           J. For a Vaux's swift:

3837           1. The wildlife habitat conservation area is an area with a three-hundred-foot  
3838 radius around an active nest located outside of the urban growth areas;

3839           2. Between April 1 and October 31, clearing, grading, or outdoor construction is  
3840 not allowed within four hundred feet of an active or potential nest tree. The applicant  
3841 may use a species survey to demonstrate that the potential nest tree does not contain an  
3842 active nest;

3843           K. The department shall require protection of an active breeding site of any  
3844 federal or state listed endangered, threatened, sensitive, and candidate species or King  
3845 County species of local importance (~~(not listed in subsections B. through J. of this~~  
3846 ~~section)~~). If the Washington state Department of Fish and Wildlife has adopted

3847 management recommendations for a species covered by this subsection, the department  
3848 shall follow those management recommendations. If management recommendations  
3849 have not been adopted, the department shall base protection decisions on best available  
3850 science.

3851 SECTION 77. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby  
3852 amended to read as follows:

3853 In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and  
3854 21A.24.133, the following applies to mitigation to compensate for the adverse impacts  
3855 associated with wildlife habitat conservation areas and wildlife habitat networks:

3856 A. Mitigation to compensate for the adverse impacts to a wildlife habitat  
3857 conservation area (~~must~~) shall prevent disturbance of each protected species. On-site  
3858 mitigation may include management practices, such as timing of the disturbance. Off-site  
3859 mitigation is limited to sites that will enhance the wildlife habitat conservation area;

3860 B. Mitigation to compensate for the adverse impacts to the wildlife habitat  
3861 network must achieve equivalent or greater biologic functions including, but not limited  
3862 to, habitat complexity and connectivity functions. Specific mitigation requirements for  
3863 impacts to the wildlife habitat network shall:

3864 1. Expand or enhance the wildlife network as close to the location of impact as  
3865 feasible; and

3866 2. Attain the following ratios of area of mitigation to area of alteration:

3867 a. for mitigation on site:

3868 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

3869 and

3870 (2) 1.5:1 ratio for enhancement or restoration; and

3871 b. for mitigation off-site:

3872 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

3873 and

3874 (2) 3:1 ratio for enhancement or restoration;

3875 C. For temporary alterations, the department may require rectification,

3876 restoration, or enhancement of the altered wildlife habitat network;

3877 D. The department may increase the width of the wildlife habitat network to

3878 mitigate for risks to habitat functions;

3879 E. To the maximum extent practical, mitigation projects involving wildlife

3880 habitat network restoration should provide replication of the site's prealteration natural

3881 environment including:

3882 1. Soil type, conditions, and physical features;

3883 2. Vegetation diversity and density; and

3884 3. Biologic and habitat functions; and

3885 F. The department may modify the requirements in this section if the applicant

3886 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife

3887 habitat conservation area or wildlife habitat network through alternative mitigation

3888 measures.

3889 SECTION 78. Ordinance 16958, Section 31, as amended, and K.C.C.

3890 21A.25.100 are hereby amended to read as follows:

3891 A. The shoreline use table in this section determines whether a specific use is

3892 allowed within each of the shoreline environments. The shoreline environment is located

3893 on the vertical column and the specific use is located on the horizontal row of the table.

3894 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The

3895 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be

3896 interpreted as follows:

3897 1. If the cell is blank in the box at the intersection of the column and the row,

3898 the use is prohibited in that shoreline environment;

3899 2. If the letter "P" appears in the box at the intersection of the column and the

3900 row, the use may be allowed within the shoreline environment;

3901 3. If the letter "C" appears in the box at the intersection of the column and the

3902 row, the use may be allowed within the shoreline environment subject to the shoreline

3903 conditional use review procedures specified in K.C.C. 21A.44.100;

3904 4. If a number appears in the box at the intersection of the column and the row,

3905 the use may be allowed subject to the appropriate review process in this section, the

3906 general requirements of this chapter and the specific development conditions indicated

3907 with the corresponding number in subsection C. of this section. If more than one number

3908 appears after a letter, all numbers apply;

3909 5. If more than one letter-number combination appears in the box at the

3910 intersection of the column and the row, the use is allowed in accordance with each letter-

3911 number combination;

3912 6. A shoreline use may be allowed in the aquatic environment only if that

3913 shoreline use is allowed in the adjacent shoreland environment; and

3914 7. This section does not authorize a land use that is not allowed by the

3915 underlying zoning, but may add additional restrictions or conditions or prohibit specific

3916 land uses within the shoreline jurisdiction. When there is a conflict between the allowed  
 3917 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for  
 3918 shoreline uses shall first be given to water-dependent uses, then to water related uses, and  
 3919 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with  
 3920 all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master  
 3921 ~~((P))~~program.

3922 B. Shoreline uses.

	High Intensi ty	Resident ial	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aqua tic
<b>Agriculture</b>								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture (fish and wildlife management K.C.C. 21A.08.090)</b>								
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
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry 1611,	P6							

automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
<b>Government Services</b>								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								



Manufacturing (K.C.C. 21A.08.080)	P12							
<b>In-stream structural uses</b>								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C.								C15

21A.08.060)								
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational Development</b>								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
<b>Residential Development</b>								
Single detached residences (K.C.C.		P	P	P	P	C22	C22	

<p>21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx ((<del>the new section created by</del>) <u>Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))Section 148 ((of Proposed Ordinance 2023-0442)))</u></p>								
<p>Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)</p>	<p>P23</p>	<p>P</p>			<p>P</p>			
<p>Congregate</p>	<p>P23</p>	<p>P</p>						

<p>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 (<del>the new section created by</del>) <u>Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))Section 148 ((of Proposed Ordinance 2023-0442))))</u></p>								
<p>Accessory uses (K.C.C. 21A.08.030)</p>	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
<p>Temporary lodging</p>	P23	P27	P27	C27	C27			

(K.C.C. 21A.08.030)								
Live-aboards	P28	P28	P28					P28
<b>Transportation and parking</b>								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
<b>Utilities</b>								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
<b>Regional land uses</b>								
Regional uses	P30							

except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)								
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3923 C. Development conditions:

3924 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,  
3925 such as livestock use with an animal unit density of no more than one per two acres in the  
3926 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to  
3927 exceed twenty percent of the site area located within the shoreline jurisdiction.

3928 2.a. The supporting infrastructure for aquaculture may be located landward of  
3929 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

3930 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

3931 c. In aquatic areas adjacent to the residential shoreline environment, net pen  
3932 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
3933 high water mark of this environment, unless the department allows a specific lesser  
3934 distance that it determines is appropriate based upon a visual impact analysis. Other  
3935 types of floating culture facilities may be located within one thousand five hundred feet  
3936 of the ordinary high water mark if supported by a visual impact analysis.

3937           d. In aquatic areas adjacent to the rural shoreline environment, net pen  
3938 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
3939 high water mark of this environment, unless the department allows a specific lesser  
3940 distance that it determines is appropriate based upon a visual impact analysis.

3941           e. In the natural shoreline environment and aquatic areas adjacent to the natural  
3942 shoreline environment, commercial net pens are prohibited, and other aquaculture  
3943 activities are limited to activities that do not require structures, facilities, or mechanized  
3944 harvest practices and that will not alter the natural systems, features, or character of the  
3945 site.

3946           f. Farm-raised geoduck aquaculture requires a shoreline substantial  
3947 development permit if a specific project or practice causes substantial interference with  
3948 normal public use of the surface waters.

3949           g. A conditional use permit is required for new commercial geoduck  
3950 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of  
3951 planting and harvest shall not require a new conditional permit.

3952           3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,  
3953 from Piner Point to Point Robinson.

3954           b. Marinas shall meet the standards in K.C.C. 21A.25.120.

3955           4. Water dependent general services land uses in K.C.C. 21A.08.050 are  
3956 allowed. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are only  
3957 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
3958 do not have an easement that provides direct access to the water.

3959           5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are  
3960 allowed.

3961           b. Nonwater-dependent general services land uses in K.C.C. 21A.08.050 are  
3962 only allowed as part of a shoreline mixed-use development that includes water-dependent  
3963 uses.

3964           c. Nonwater-oriented general service((s)) land uses shall provide a  
3965 ((significant)) public benefit by ((helping to achieve)) achieving one or more of the  
3966 following shoreline master program goals:

3967           (1) economic development for water-dependent uses;

3968           (2) public access;

3969           (3) water-oriented recreation;

3970           (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
3971 habitat; ~~((and))~~ or

3972           (5) protection and restoration of historic properties.

3973           6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

3974 Water-related business service((s)) uses are only allowed as part of a shoreline mixed-use  
3975 development and only if they support a water-dependent use. The water-related business  
3976 service((s)) uses shall comprise less than one-half of the square footage of the structures  
3977 or the portion of the site within the shoreline jurisdiction.

3978           7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

3979           b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as  
3980 part of a shoreline mixed-use development if the nonwater-dependent retail use supports



3981 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the  
3982 square footage of the structures or the portion of the site within the shoreline jurisdiction.

3983 c. Nonwater-oriented retail uses shall provide a significant public benefit by  
3984 helping to achieve one or more of the following shoreline master program goals:

3985 (1) economic development for water-dependent uses;

3986 (2) public access;

3987 (3) water-oriented recreation;

3988 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
3989 habitat; and

3990 (5) protection and restoration of historic properties.

3991 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-  
3992 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a  
3993 significant public benefit by helping to achieve one or more of the following shoreline  
3994 master program goals:

3995 a. economic development for water-dependent uses;

3996 b. public access;

3997 c. water-oriented recreation;

3998 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
3999 habitat; and

4000 e. protection and restoration of historic properties.

4001 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

4002 b. Nonwater-dependent government services in K.C.C. 21A.08.060 are only  
4003 allowed as part of a shoreline mixed-use development if the nonwater-dependent

4004 government use supports a water-dependent use. Nonwater-dependent uses shall  
4005 comprise less than one-half of the square footage of the structures or the portion of the  
4006 site within the shoreline jurisdiction. Only low-intensity water-dependent government  
4007 services are allowed in the ~~((N))~~natural environment.

4008 10. The following standards apply to government services uses within the  
4009 ~~((A))~~aquatic environment:

4010 a. Stormwater and sewage outfalls are allowed if upland treatment and  
4011 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on  
4012 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,  
4013 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,  
4014 except from Piner Point to Point Robinson;

4015 b. Water intakes shall not be located near fish spawning, migratory, or rearing  
4016 areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife  
4017 fish screening criteria. To the maximum extent practical, intakes should be placed at  
4018 least thirty feet below the ordinary high water mark;

4019 c. Desalinization facilities shall not be located near fish spawning, migratory,  
4020 or rearing areas. Intakes should generally be placed deeper than thirty feet below the  
4021 ordinary high water mark and shall adhere to Washington state Department Fish and  
4022 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated  
4023 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner  
4024 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on  
4025 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

4026 d. ~~((E))~~cable crossings for telecommunications and power lines shall:

- 4027 (1) be routed around or drilled below aquatic critical habitat or species;
- 4028 (2) be installed in sites free of vegetation, as determined by physical or video
- 4029 seabed survey;
- 4030 (3) be buried, preferably using directional drilling, from the uplands to
- 4031 waterward of the deepest documented occurrence of native aquatic vegetation; and
- 4032 (4) use the best available technology;
- 4033 e. ~~((Θ))~~oil, gas, water, and other pipelines shall meet the same standards as
- 4034 cable crossings and in addition:
- 4035 (1) pipelines shall be directionally drilled to depths of seventy feet or one half
- 4036 mile from the ordinary high water mark; and
- 4037 (2) use the best available technology for operation and maintenance;
- 4038 f. ~~((B))~~breakwaters are not allowed within the Maury Island Aquatic Reserve
- 4039 or within the ~~((A))~~aquatic environment adjacent to the ~~((C))~~conservancy and ~~((N))~~natural
- 4040 shorelines.
- 4041 11. In the ~~((N))~~natural shoreline environment, limited to low intensity forest
- 4042 practices that conserve or enhance the health and diversity of the forest ecosystem or
- 4043 ecological and hydrologic functions conducted for the purpose of accomplishing specific
- 4044 ecological enhancement objectives. In all shoreline environments, forest practices shall
- 4045 meet the standards in K.C.C. 21A.25.130.
- 4046 12. Manufacturing uses in the shoreline environment shall give preference first
- 4047 to water-dependent manufacturing uses and second to water-related manufacturing uses:
- 4048 a. ~~((N))~~nonwater-oriented manufacturing uses are allowed only:

- 4049           (1) as part of a shoreline mixed-use development that includes a water-  
4050 dependent use, but only if the water-dependent use comprises over fifty percent of the  
4051 floor area or portion of the site within the shoreline jurisdiction;
- 4052           (2) on sites where navigability is severely limited; or
- 4053           (3) on sites that are not contiguous with the ordinary high water mark or on  
4054 sites that do not have an easement that provides direct access to the water; and
- 4055           (4) all nonwater-oriented manufacturing uses shall also provide a significant  
4056 public benefit, such as ecological restoration, environmental clean-up, historic  
4057 preservation, or water-dependent public education;
- 4058           b. public access is required for all manufacturing uses unless it would result in  
4059 a public safety risk or is incompatible with the use;
- 4060           c. shall be located, designed, and constructed in a manner that ensures that  
4061 there are no significant adverse impacts to other shoreline resources and values;
- 4062           d. restoration is required for all new manufacturing uses; and
- 4063           e. boat repair facilities are not allowed within the Maury Island Aquatic  
4064 Reserve, except as follows:
- 4065           (1) engine repair or maintenance conducted within the engine space without  
4066 vessel haul-out;
- 4067           (2) topside cleaning, detailing, and bright work;
- 4068           (3) electronics servicing and maintenance;
- 4069           (4) marine sanitation device servicing and maintenance that does not require  
4070 haul-out;
- 4071           (5) vessel rigging; and

4072 (6) minor repairs or modifications to the vessel's superstructure and hull  
4073 above the waterline that do not exceed twenty-five percent of the vessel's surface area  
4074 above the waterline.

4075 13. The water-dependent in-stream portion of a hydroelectric generation facility,  
4076 wastewater treatment facility, and municipal water production are allowed, including the  
4077 upland supporting infrastructure, and shall provide for the protection and preservation, of  
4078 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
4079 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
4080 hydrogeological processes, and natural scenic vistas.

4081 14. New in-stream portions of utility facilities may be located within the  
4082 shoreline jurisdiction if:

4083 a. there is no feasible alternate location;

4084 b. provision is made to protect and preserve ecosystem-wide processes,  
4085 ecological functions, and cultural resources, including, but not limited to, fish and fish  
4086 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
4087 and natural scenic vistas; and

4088 c. the use complies with the standards in K.C.C. 21A.25.260.

4089 15. Limited to in-stream infrastructure, such as bridges, and shall consider the  
4090 priorities of the King County Shoreline Protection and Restoration Plan when designing  
4091 in-stream transportation facilities. In-stream structures shall provide for the protection  
4092 and preservation of ecosystem-wide processes, ecological functions, and cultural  
4093 resources, including, but not limited to, fish and fish passage, wildlife and water  
4094 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

- 4095           16. Limited to hatchery and fish preserves.
- 4096           17. Mineral uses:
- 4097           a. shall meet the standards in K.C.C. chapter 21A.22;
- 4098           b. shall be dependent upon a shoreline location;
- 4099           c. shall avoid and mitigate adverse impacts to the shoreline environment
- 4100 during the course of mining and reclamation to achieve no net loss of shoreline ecological
- 4101 function. In determining whether there will be no net loss of shoreline ecological
- 4102 function, the evaluation may be based on the final reclamation required for the site.
- 4103 Preference shall be given to mining proposals that result in the creation, restoration, or
- 4104 enhancement of habitat for priority species;
- 4105           d. shall provide for reclamation of disturbed shoreline areas to achieve
- 4106 appropriate ecological functions consistent with the setting;
- 4107           e. may be allowed within the active channel of a river only as follows:
- 4108           (1) removal of specified quantities of sand and gravel or other materials at
- 4109 specific locations will not adversely affect the natural processes of gravel transportation
- 4110 for the river system as a whole;
- 4111           (2) the mining and any associated permitted activities will not have
- 4112 significant adverse impacts to habitat for priority species nor cause a net loss of
- 4113 ecological functions of the shoreline; and
- 4114           (3) if no review has been previously conducted under this subsection C.17.e.,
- 4115 before renewing, extending, or reauthorizing gravel bar and other in-channel mining
- 4116 operations in locations where they have previously been conducted, the department shall
- 4117 require compliance with this subsection C.17.e. If there has been prior review, the

4118 department shall review previous determinations comparable to the requirements of this  
4119 section C.17.e. to ensure compliance with this subsection under current site conditions;  
4120 and

4121 f. shall comply with K.C.C. 21A.25.190.

4122 18. Only water-dependent recreational uses are allowed, except for public parks  
4123 and trails, in the ~~((H))~~high ~~((F))~~intensity shoreline environment and shall meet the  
4124 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4125 19. Water-dependent and water-enjoyment recreational uses are allowed in the  
4126 ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the  
4127 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

4128 20. In the ~~((C))~~conservancy shoreline environment, only the following  
4129 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public  
4130 access and K.C.C. 21A.25.150 for recreation:

4131 a. parks; and

4132 b. trails.

4133 21. In the ~~((N))~~natural shoreline environment, only passive and low-impact  
4134 recreational uses are allowed.

4135 22. Single detached residences shall be located outside of the ~~((aquatic area  
4136 buffer))~~ riparian area and set back from the ordinary high water mark to the maximum  
4137 extent practical.

4138 23. Only allowed as part of a water-dependent shoreline mixed-use development  
4139 where water-dependent uses comprise more than half of the square footage of the  
4140 structures on the portion of the site within the shoreline jurisdiction.

4141 24. Residential accessory uses shall meet the following standards:

4142 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply

4143 with the standards in K.C.C. 21A.25.180;

4144 b. residential accessory structures located within the ((aquatic area buffer))

4145 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

4146 c. accessory structures shall be sited to preserve visual access to the shoreline

4147 to the maximum extent practical.

4148 25. New highway and street construction is allowed only if there is no feasible

4149 alternate location. Only low-intensity transportation infrastructure is allowed in the

4150 ((N))natural environment.

4151 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

4152 27. Only bed and breakfast guesthouses.

4153 28. Only in a marina.

4154 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

4155 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

4156 SECTION 79. Ordinance 16985, Section 32, as amended, and K.C.C.

4157 21A.25.110 are hereby amended to read as follows:

4158 An applicant for an aquaculture facility shall use the sequential measures in

4159 K.C.C. 21A.25.080. The following standards apply to aquaculture:

4160 A. Unless the applicant demonstrates that the substrate modification will result in

4161 an increase in native habitat diversity, aquaculture that involves little or no substrate

4162 modification shall be given preference over aquaculture that involves substantial

4163 substrate modification and the degree of proposed substrate modification shall be limited



4164 to the maximum extent practical.

4165           B. The installation of submerged structures, intertidal structures and floating  
4166 structures shall be limited to the maximum extent practical.

4167           C. Aquaculture proposals that involve substantial substrate modification or  
4168 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other  
4169 similar mechanisms, shall not be allowed in areas where the proposal would adversely  
4170 impact critical saltwater or critical freshwater habitats.

4171           D. Aquaculture activities that after implementation of mitigation measures would  
4172 have a significant adverse impact on natural, dynamic shoreline processes, or that would  
4173 result in a net loss of shoreline ecological functions shall be prohibited.

4174           E. Aquaculture should not be located in areas that will result in significant  
4175 conflicts with navigation or other water-dependent uses.

4176           F. Aquaculture facilities shall be designed, located, and managed to prevent the  
4177 spread of diseases to native aquatic life or the spread of new nonnative species.

4178           G. Aquaculture practices shall be designed to minimize use of artificial chemical  
4179 substances and shall use chemical compounds that are least persistent and have the least  
4180 impact on plants and animals. Herbicides and pesticides shall be used only in  
4181 conformance with state and federal standards and to the minimum extent needed for the  
4182 health of the aquaculture activity.

4183           H. Noncommercial native salmon net pen facilities that involve minimal  
4184 supplemental feeding and limited use of chemicals or antibiotics as provided in  
4185 subsection G. of this section may be located in King County marine waters if they are  
4186 consistent with subsections S. and Y. of this section and are:

4187 1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

4188 2. For the limited penned cultivation of wild salmon stocks during a limited

4189 portion of their lifecycle to enhance restoration of native stocks; or

4190 3. For rearing to adulthood in order to harvest eggs as part of a captive brood

4191 stock recovery program for endangered species.

4192 I. If uncertainty exists regarding potential impacts of a proposed aquaculture

4193 activity and for all experimental aquaculture activities, unless otherwise provided for, the

4194 department may require baseline and periodic operational monitoring by a county-

4195 approved consultant, at the applicant's expense, and shall continue until adequate

4196 information is available to determine the success of the project and the magnitude of any

4197 probable (~~(significant)~~) adverse environmental impacts. Permits for such activities shall

4198 include specific performance measures and provisions for adjustment or termination of

4199 the project at any time if monitoring indicates (~~(significant)~~) adverse environmental

4200 impacts that cannot be adequately mitigated.

4201 J. Aquaculture developments approved on an experimental basis shall not exceed

4202 five acres in area, except land-based projects and anchorage for floating systems, and

4203 three years in duration. The department may issue a new permit to continue an

4204 experimental project as many times as it determines is necessary and appropriate.

4205 K. The department may require aquaculture operations to carry liability insurance

4206 in an amount commensurate with the risk of injury or damage to any person or property

4207 as a result of the project. Insurance requirements shall not be required to duplicate

4208 requirements of other agencies.

4209 L. If aquaculture activities are authorized to use public facilities, such as boat

4210 launches or docks, King County may require the applicant to pay a portion of the cost of  
4211 maintenance and any required improvements commensurate with the use of those  
4212 facilities.

4213 M. New aquatic species that are not previously cultivated in Washington state  
4214 shall not be introduced into King County saltwaters or freshwaters without prior written  
4215 approval of the Director of the Washington state Department of Fish and Wildlife and the  
4216 Director of the Washington state Department of Health. This prohibition does not apply  
4217 to((:)) Pacific, Olympia, Kumomoto, Belon<sub>2</sub> or Virginica oysters; Manila, Butter, or  
4218 Littleneck clams; or Geoduck clams.

4219 N. Unless otherwise provided in the shoreline permit issued by the department,  
4220 repeated introduction of an approved organism after harvest in the same location shall  
4221 require approval by the county only at the time the initial aquaculture use permit is  
4222 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic  
4223 organism in any area within the waters of King County regardless of whether it is a native  
4224 or resident organism within the county and regardless of whether it is being transferred  
4225 from within or without the waters of King County.

4226 O. For aquaculture projects, overwater structures shall be allowed only if  
4227 necessary for the immediate and regular operation of the facility. Overwater structures  
4228 shall be limited to the storage of necessary tools and apparatus in containers of not more  
4229 than three feet in height, as measured from the surface of the raft or dock.

4230 P. Except for the sorting or culling of the cultured organism after harvest and the  
4231 washing or removal of surface materials or organisms before or after harvest, no  
4232 processing of any aquaculture product shall occur in or over the water unless specifically

4233 approved by permit. All other processing and processing facilities shall be located  
4234 landward of the ordinary high water mark.

4235 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict  
4236 compliance with all applicable governmental waste disposal standards, including, but not  
4237 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water  
4238 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the  
4239 site of any aquaculture operation.

4240 R. Unless approved in writing by the National Marine Fisheries Service or the  
4241 U.S. Fish and Wildlife Service, predator control shall not involve the killing or  
4242 harassment of birds or mammals. Approved controls include, but are not limited to,  
4243 double netting for seals, overhead netting for birds, and three-foot high fencing or netting  
4244 for otters. The use of other nonlethal, nonabusive predator control measures shall be  
4245 contingent upon receipt of written approval from the National Marine Fisheries Service  
4246 or the U.S. Fish and Wildlife Service, as required.

4247 S. Finfish net pens and rafts shall meet the following criteria in addition to the  
4248 other applicable regulations of this section:

4249 1. Finfish net pens shall not be located in Quartermaster Harbor. For the  
4250 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north  
4251 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner  
4252 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

4253 2. Finfish net pens shall meet, at a minimum, state approved administrative  
4254 guidelines for the management of net pen cultures. In the event there is a conflict in  
4255 requirements, the more restrictive requirement shall prevail;

4256           3. Finfish net pens shall not occupy more than two surface acres of water area,  
4257 excluding booming and anchoring requirements. Anchors that minimize disturbance to  
4258 substrate, such as helical anchors, shall be employed. Such operations shall not use  
4259 chemicals or antibiotics;

4260           4. Aquaculture proposals that include new or added net pens or rafts shall not be  
4261 located closer than one nautical mile to any other aquaculture facility that includes net  
4262 pens or rafts. The department may authorize a lesser distance if the applicant  
4263 demonstrates to the satisfaction of the department that the proposal will be consistent  
4264 with the environmental and aesthetic policies and objectives of this chapter and the  
4265 shoreline master program. The applicant shall demonstrate to the satisfaction of the  
4266 department that the cumulative impacts of existing and proposed operations would not be  
4267 contrary to the policies and regulations of the program;

4268           5. Net cleaning activities shall be conducted on a frequent enough basis so as  
4269 not to violate state water quality standards. When feasible, the cleaning of nets and other  
4270 apparatus shall be accomplished by air drying, spray washing, or hand washing; and

4271           6. In the event of a significant fish kill at the site of a net pen facility, the finfish  
4272 aquaculture operator shall submit a timely report to public health – Seattle & King  
4273 County, environmental health division, and the department of local services, permitting  
4274 division, stating the cause of death and shall detail remedial actions to be implemented to  
4275 prevent reoccurrence.

4276           T. All floating and submerged aquaculture structures and facilities in navigable  
4277 waters shall be marked in accordance with United States Coast Guard requirements.

4278           U. The rights of treaty tribes to aquatic resources within their usual and

4279 accustomed areas shall be addressed through direct coordination between the applicant  
4280 and the affected Indian tribes through the permit review process.

4281 V. Aquaculture structures and equipment shall be of sound construction and shall  
4282 be so maintained. Abandoned or unsafe structures and equipment shall be removed or  
4283 repaired promptly by the owner. Where any structure might constitute a potential hazard  
4284 to the public in the future, the department shall require the posting of a bond  
4285 commensurate with the cost of removal or repair. The department may abate an  
4286 abandoned or unsafe structure in accordance with K.C.C. Title 23.

4287 W. Aquaculture shall not be approved where it will adversely impact eelgrass and  
4288 macroalgae.

4289 X. Commercial salmon net pens and nonnative marine finfish aquaculture are  
4290 prohibited.

4291 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations  
4292 in this section and shall meet the following criteria and requirements:

4293 1. Each finfish net pen application shall provide a current, peer-reviewed  
4294 science review of environmental issues related to finfish net pen aquaculture;

4295 2. The department shall only approve a finfish net pen application if the  
4296 department determines the scientific review demonstrates:

4297 a. that the project construction and activities will achieve no net loss of  
4298 ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and  
4299 no documented adverse long-term impact to applicable elements of the environment,  
4300 including, but not limited to, habitat for native salmonids, water quality, critical saltwater  
4301 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the

4302 benthic community below the net pen or other environmental attributes; and

4303           b. that the finfish net pen does not involve significant risk of cumulative  
4304 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or  
4305 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other  
4306 adverse effects on native species or threatened or endangered species and their habitats;

4307           3. The department's review shall:

4308           a. include an assessment of the risk to endangered species, non-endangered  
4309 species, and other biota that could be affected by the finfish net pen; and

4310           b. evaluate and model water quality impacts utilizing current information,  
4311 technology, and assessment models. The project proponent shall be financially  
4312 responsible for this water quality assessment;

4313           4. Finfish net pens shall be designed, constructed and maintained to prevent  
4314 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,  
4315 wind and wave events of record, floating and submerged debris, and tidal action;

4316           5. Finfish net pens shall not be located:

4317           a. within three hundred feet of an area containing eelgrass or a kelp bed;

4318           b. within one thousand five hundred feet of an ordinary high water mark; or

4319           c. in a designated Washington state Department of Natural Resources aquatic  
4320 reserve;

4321           6. A finfish net pen may not be used to mitigate the impact of a development  
4322 proposal; and

4323           7. For finfish net pens that are not noncommercial native salmon net pens, the  
4324 conditional use permit for the net pen shall be renewed every five years. An updated

4325 scientific review shall be conducted as part of the renewal and shall include a new risk  
4326 assessment and evaluation of the impact of the operation of the finfish net pen during the  
4327 previous five years.

4328 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

4329 SECTION 80. Ordinance 3688, Section 415, as amended, and K.C.C.

4330 21A.25.150 are hereby amended to read as follows:

4331 Recreational development must meet the following standards:

4332 A. The recreational development must be permitted in the underlying zone;

4333 B. Recreational uses in the ((N))natural shoreline environment must be water-  
4334 oriented;

4335 C. Swimming areas shall be separated from boat launch areas and marinas, to the  
4336 maximum extent practical;

4337 D. The development of underwater sites for sport diving shall not:

4338 1. Take place at depths of greater than eighty feet;

4339 2. Constitute a navigational hazard; and

4340 3. Be located in areas where the normal waterborne traffic would constitute a  
4341 hazard to those people who may use such a site;

4342 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,  
4343 and launching facilities below the ordinary high water mark shall be governed by the  
4344 regulations relating to docks, piers, moorage, buoys, floats, or launching facility  
4345 construction in K.C.C. 21A.25.180;

4346 F. Public boat launching facilities or marinas shall be governed by K.C.C.  
4347 21A.25.120;



4348 G. Campgrounds in the ((N))natural shoreline environment shall meet the  
4349 following conditions:

4350 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if  
4351 not, be located outside of critical area((s)) buffers;

4352 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

4353 3. Removal of vegetation shall be limited to the maximum extent practical;

4354 H. Public contact with unique and fragile areas shall be permitted where it is  
4355 possible without destroying the natural character of the area;

4356 I. Water viewing, nature study, recording, and viewing shall be accommodated  
4357 by open space, platforms, benches or shelter, consistent with public safety and security;

4358 J. Public recreation shall be provided on county-owned lands consistent with this  
4359 chapter unless the director determines public recreation is not compatible with other uses  
4360 on the site or will create a public safety risk; and

4361 K. To the maximum extent practical, proposals for non water oriented active  
4362 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be  
4363 permitted where the non water oriented active recreation facility would have an adverse  
4364 impact on critical saltwater or critical freshwater habitats.

4365 SECTION 81. Ordinance 16985, Section 39, as amended, and K.C.C.  
4366 21A.25.160 are hereby amended to read as follows:

4367 A. The shoreline modification table in this section determines whether a specific  
4368 shoreline modification is allowed within each of the shoreline environments. The  
4369 shoreline environment is located on the vertical column and the specific use is located on

4370 the horizontal row of the table. The specific modifications are grouped by the shoreline  
4371 modification categories in WAC 173-26-231. The table should be interpreted as follows:

4372 1. If the cell is blank in the box at the intersection of the column and the row,  
4373 the modification is prohibited in that shoreline environment;

4374 2. If the letter "P" appears in the box at the intersection of the column and the  
4375 row, the modification may be allowed within the shoreline environment;

4376 3. If the letter "C" appears in the box at the intersection of the column and the  
4377 row, the modification may be allowed within the shoreline environment subject to the  
4378 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4379 4. If a number appears in the box at the intersection of the column and the row,  
4380 the modification may be allowed subject to the appropriate review process indicated in  
4381 this section and the specific development conditions indicated with the corresponding  
4382 number immediately following the table, and only if the underlying zoning allows the  
4383 modification. If more than one number appears at the intersection of the column and  
4384 row, both numbers apply;

4385 5. If more than one letter-number combination appears in the box at the  
4386 intersection of the column and the row, the modification is allowed within that shoreline  
4387 environment subject to different sets of limitations or conditions depending on the review  
4388 process indicated by the letter, the specific development conditions indicated in the  
4389 development condition with the corresponding number immediately following the table;

4390 6. A shoreline modification may be allowed in the aquatic environment only if  
4391 that shoreline modification is allowed in the adjacent shoreland environment; and

4392           7. This section does not authorize a shoreline modification that is not allowed  
 4393 by the underlying zoning, but may add additional restrictions or conditions or prohibit  
 4394 specific modifications within the shoreline jurisdiction. All shoreline modifications in  
 4395 the shoreline jurisdiction shall comply with all relevant county code provisions and with  
 4396 the King County shoreline master program.

4397           B. Shoreline modifications.

	<b>High Inten sity</b>	<b>Resident ial</b>	<b>Rur al</b>	<b>Conserv ancy</b>	<b>Resour ce</b>	<b>Fores try</b>	<b>Natu ral</b>	<b>Aqua tic</b>
<b>Shoreline stabilization</b>								
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
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3

<b>Fill</b>								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins, and weirs</b>								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
<b>Dredging and dredge material disposal</b>								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural systems enhancement projects</b>								
Habitat and natural systems	P7	P7	P7	P7	P7	P7	P7	P7

enhancement projects								
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

4398 C. Development conditions.

4399 1. New and replacement shoreline stabilization, including bulkheads, shall meet  
 4400 the standards in K.C.C. 21A.25.170;

4401 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.  
 4402 chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King  
 4403 County Flood Management Plan, and the Integrated ((~~Stream~~)) Streambank Protection  
 4404 Guidelines (Washington state ((~~the~~)) Departments of Fish and Wildlife, Ecology, and  
 4405 Transportation, 2003). New structural flood hazard protection measures are allowed in  
 4406 the shoreline jurisdiction only when the applicant demonstrates by a scientific and  
 4407 engineering analysis that the structural measures are necessary to protect existing  
 4408 development, that nonstructural measures are not feasible and that the impact on  
 4409 ecological functions and priority species and habitats can be successfully mitigated ((~~so~~  
 4410 as)) to assure no net loss of shoreline ecological functions. New flood protection  
 4411 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.  
 4412 21A.25.170.

4413           b. Relocation, replacement, or expansion of existing flood control facilities  
4414 within the ~~((N))~~natural shoreline environment are allowed, subject to the requirements of  
4415 the King ~~((e))~~County Flood ~~((Hazard))~~ Management Plan and consistent with the  
4416 Washington State Aquatic Guidelines Program's Integrated Streambank Protection  
4417 Guidelines and bioengineering techniques used to the maximum extent practical. New  
4418 facilities would only be allowed consistent with an approved watershed resources  
4419 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

4420           3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with  
4421 the standards in K.C.C. 21A.25.180;

4422           4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

4423           b. A shoreline conditional use permit is required to:

4424           (1) Place fill waterward of the ordinary high water mark for any use except  
4425 ecological restoration or for the maintenance and repair of flood protection facilities; and

4426           (2) Dispose of dredged material within shorelands or wetlands within a  
4427 channel migration zone;

4428           c. ~~((F))~~fill shall not be placed in critical saltwater or critical freshwater habitats  
4429 except when all ~~((e))~~ the following conditions are met:

4430           (1) the public's need for the proposal is clearly demonstrated and the proposal  
4431 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4432           (2) avoidance of impacts to critical saltwater or critical freshwater habitats by  
4433 an alternative alignment or location is not feasible or would result in unreasonable and  
4434 disproportionate cost to accomplish the same general purpose;

4435 (3) the project including any required mitigation, will result in no net loss of  
4436 ecological functions associated with critical saltwater or critical freshwater habitats; and

4437 (4) the project is consistent with the state's interest in resource protection and  
4438 species recovery; and

4439 d. In a channel migration zone, any filling shall protect shoreline ecological  
4440 functions, including channel migration.

4441 5.a. Breakwaters, jetties, groins, and weirs:

4442 (1) are only allowed where necessary to support water dependent uses, public  
4443 access, approved shoreline stabilization, or other public uses, as determined by the  
4444 director;

4445 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
4446 habitat restoration project or as an alternative to construction of a shoreline stabilization  
4447 structure;

4448 (3) shall not intrude into or over critical saltwater or critical freshwater  
4449 habitats except when all ((~~of~~)) the following conditions are met:

4450 (a) the public's need for the structure is clearly demonstrated and the  
4451 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

4452 (b) avoidance of impacts to critical saltwater or critical freshwater habitats  
4453 by an alternative alignment or location is not feasible or would result in unreasonable and  
4454 disproportionate cost to accomplish the same general purpose;

4455 (c) the project including any required mitigation, will result in no net loss of  
4456 ecological functions associated with critical saltwater or critical freshwater habitats; and

4457 (d) the project is consistent with the state's interest in resource protection  
4458 and species recovery.

4459 b. Groins are only allowed as part of a restoration project sponsored or  
4460 cosponsored by a public agency that has natural resource management as a primary  
4461 function.

4462 c. A conditional shoreline use permit is required, except for structures installed  
4463 to protect or restore shoreline ecological functions.

4464 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.  
4465 21A.25.190. A shoreline conditional use permit is required to dispose of dredged  
4466 material within shorelands, wetlands, or side channels within a channel migration zone.

4467 7.a. If the department determines the primary purpose is restoration of the  
4468 natural character and ecological functions of the shoreline, a shoreline habitat, and natural  
4469 systems enhancement project may include shoreline modification of vegetation, removal  
4470 of nonnative or invasive plants, and shoreline stabilization, including the installation of  
4471 large (~~woody debris~~) wood, dredging, and filling. Mitigation actions identified through  
4472 biological assessments required by the National Marine Fisheries Services and applied to  
4473 flood hazard mitigation projects may include shoreline modifications of vegetation,  
4474 removal of nonnative or invasive plants, and shoreline stabilization, including the  
4475 installation of large (~~woody debris~~) wood, dredging, and filling.

4476 b. Within the urban growth area, the county may grant relief from shoreline  
4477 master program development standards and use regulations resulting from shoreline  
4478 restoration projects consistent with criteria and procedures in WAC 173-27-215.



4479            c. A restoration and enhancement plan shall be prepared by an ecological  
4480 professional. The plan shall include a critical functional analysis that evaluates the  
4481 existing conditions and the post-project ecological and increase in functions to be  
4482 achieved by the project.

4483            d. An applicant for a shoreline habitat and natural systems enhancement  
4484 project shall demonstrate that the proposed project will provide a net ecological benefit  
4485 and increase in functions over the existing ecological and functional conditions of the  
4486 habitat project area. If this requirement is satisfied, additional mitigation or restoration  
4487 beyond the proposed habitat enhancement project itself may not be required. The  
4488 applicant may be required to comply with the post-project monitoring and reporting  
4489 conditions in K.C.C. 21A.24.130.

4490            8. Within the critical area and critical area buffer, vegetation removal is subject  
4491 to K.C.C. chapter 21A.24.

4492            9. Except for forest practices conducted under K.C.C. 21A.25.130, existing  
4493 native vegetation located outside of the critical area and critical area buffer shall be  
4494 retained to the maximum extent practical. Within the critical area and critical area buffer,  
4495 vegetation removal is subject to K.C.C. chapter 21A.24.

4496            SECTION 82. Ordinance 16985, Section 46, as amended, and K.C.C.  
4497 21A.25.210 are hereby amended to read as follows:

4498            The expansion of a dwelling unit or residential accessory structure located in the  
4499 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the following:~~

4500           A-)) shall require a shoreline variance ((~~F~~))if the proposed expansion will result in  
4501 a total cumulative expansion of the dwelling unit and accessory structures of more than  
4502 one thousand square feet(~~(, a shoreline variance is required; and~~

4503           ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
4504 ~~the expansion is not allowed)).~~

4505           SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045  
4506 are hereby amended to read as follows:

4507           A. To achieve the maximum density allowances using a livestock management  
4508 component of a farm management plan, the plan must meet the following criteria:

4509           1. The plan is developed as part of a program authorized or approved by King  
4510 County. Certified Washington state Department of Ecology nutrient management plans  
4511 that are consistent with all of the criteria of this section may substitute for a livestock  
4512 management component of a farm management plan for commercial dairy farms.  
4513 Commercial dairy farms that do not have approved nutrient management plans must meet  
4514 the requirements of K.C.C 21A.30.060;

4515           2. The plan includes site-specific management measures for minimizing  
4516 nonpoint pollution from agricultural activities and for managing wetland and aquatic  
4517 areas including, but not limited to:

- 4518           a. livestock watering;
- 4519           b. grazing and pasture management;
- 4520           c. confinement area management;
- 4521           d. manure management; and

4522 e. exclusion of animals from aquatic areas (~~(and their buffers)~~), riparian areas,  
4523 and wetlands and (~~(their)~~) associated buffers with the exception of grazed wet meadows.

4524 3. The plan is implemented within a timeframe established in the plan and  
4525 maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4526 4. A monitoring plan may be required as part of the livestock management  
4527 component of a farm management plan to demonstrate that there is no significant impact  
4528 to water quality and (~~(salmonid fisheries)~~) fish habitat. Monitoring results shall be  
4529 available to the King County agriculture program.

4530 B. The livestock management component of a farm management plan shall, at a  
4531 minimum:

4532 1. (~~(Generally s)~~)Seek to achieve a ((twenty-five-foot buffer of)): forty-foot-  
4533 wide grazing area buffer including diverse, mature vegetation between grazing areas and  
4534 the ordinary high water mark of all type S and F aquatic areas and the wetland edge of  
4535 any category I, II<sub>2</sub> or III wetland with the exception of grazed wet meadows(~~(, using~~  
4536 ~~buffer averaging where necessary to accommodate existing structures))~~); thirty-five-foot-  
4537 wide grazing area buffer including diverse, mature vegetation between grazing areas and  
4538 the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing  
4539 area buffer including diverse, mature vegetation between grazing areas and the wetland  
4540 edge of any category IV wetlands other than grazed wet meadows. The livestock  
4541 management component of a farm management plan(~~(s)~~) may vary the width of the  
4542 grazing area buffer (~~(of an aquatic area or wetland)~~), and the time and duration of animal  
4543 exclusion throughout the year, according to guidelines agreed upon by King County and  
4544 the King Conservation District. The guidelines may support a different grazing area

4545 buffer width based on both the nature of the farm operation and the function and  
4546 sensitivity of the aquatic area or wetland. The plan must include best management  
4547 practices that avoid having manure accumulate in or within ten feet of type ~~((N or))~~ O  
4548 waters. ~~((Forested lands being cleared))~~ Clearing of lands for grazing ~~((areas))~~ shall  
4549 comply with the riparian area widths and critical area buffers and all applicable  
4550 regulations in K.C.C. chapter 21A.24;

4551           2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal  
4552 waste to aquatic areas and wetlands;

4553           3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature vegetation  
4554 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F, and N  
4555 waters. This requirement may be waived for existing confinement areas on lots of two  
4556 and one-half acres or less in size if:

4557           a. a minimum buffer of ~~((twenty five))~~ forty feet of diverse, mature vegetation  
4558 is achieved;

4559           b. manure within the confinement area is removed daily during the winter  
4560 season from October 15 to April 15, and stored in accordance with K.C.C.  
4561 21A.30.060.D.; and

4562           c. additional best management practices, as recommended by the King  
4563 Conservation District, are implemented, and maintained; and

4564           4. Include a schedule for implementation.

4565           C. Any deviation from the manure management standards must be addressed in a  
4566 livestock management component of a farm management plan.

4567 D. A copy of the final plans shall be submitted to the department of natural  
4568 resources and parks within sixty days of completion.

4569 E. The farm management plan approved by the department of natural resources  
4570 and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040  
4571 and 20.22.080. Appeals may be filed only by the property owner or four members of the  
4572 King County agriculture commission. Any farm management plan not appealed shall  
4573 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.  
4574 9.12.035.

4575 F. Properties operating subject to an existing livestock management farm plan  
4576 developed based on the standards in effect before the effective date of this ordinance shall  
4577 be deemed to have satisfied the standards of this section.

4578 SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C.  
4579 21A.30.060 are hereby amended to read as follows:

4580 Property owners with farms containing either large livestock at densities greater  
4581 than one animal unit per two acres, or small livestock at densities greater than five  
4582 animals per acre, or both, are not required to follow a((n)) livestock management plan if  
4583 the owners adhere to the management standards in subsections A. through G. of this  
4584 section. This section applies only if farm practices do not result in violation of any  
4585 federal, state, or local water quality standards.

4586 A. To minimize livestock access to aquatic areas, property owners shall utilize  
4587 the following livestock watering options:

4588           1. The preferred option, which is a domestic water supply, stock watering pond,  
4589 roof runoff collection system, or approved pumped supply from the aquatic areas so that  
4590 livestock are not required to enter aquatic areas for their water supply.

4591           2. Livestock access to type S~~((and))~~, F, and N waters~~((, including their buffers))~~  
4592 and riparian areas shall be limited to crossing and watering points that have been  
4593 addressed by a crossing or watering point plan designed to Natural Resource  
4594 Conservation Services or King Conservation District specifications that prevent free  
4595 access along the length of the aquatic areas.

4596           a. Fencing shall be used as necessary to prevent livestock access to type S  
4597 ~~((and))~~, F, and N waters.

4598           b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of  
4599 crossings. Piers and abutments shall not be placed within the ordinary high water mark  
4600 or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of  
4601 flood waters and shall not diminish flood carrying capacity. These bridges may be placed  
4602 without a county building permit, but the permit waiver shall not constitute any  
4603 assumption of liability by the county with regard to such bridge or its placement. The  
4604 waiver of county building permit requirements does not constitute a waiver from other  
4605 required agency permits.

4606           B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall  
4607 maintain a ~~((vegetative buffer of fifty feet))~~ fifty-foot-wide grazing area buffer from the  
4608 ~~((wetland))~~ edge of a category I, II~~((or))~~, III, or IV wetland, except those wetlands  
4609 meeting the definition of grazed wet meadows, or the ordinary high water mark of a type  
4610 S~~((or))~~, F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a

4611 category IV wetland except those wetlands meeting the definition of grazed wet  
4612 meadows.

4613 2. ~~((Forested-1))~~ Lands being cleared for grazing areas shall comply with the  
4614 riparian area widths and critical area buffers and the associated regulations in K.C.C.  
4615 chapter 21A.24.

4616 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-  
4617 five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may  
4618 not be used when ~~((forested))~~ lands are being cleared for grazing areas.

4619 4. Fencing shall be used to establish and maintain the grazing area buffer unless  
4620 the buffer is otherwise impenetrable to livestock.

4621 5. Fencing installed in accordance with the ~~((1990 Sensitive Area Ordinance~~  
4622 ~~before February 14, 1994))~~ standards in effect before January 1, 2005, at setbacks other  
4623 than those specified in subsection B.~~((1. and 2.))~~ of this section shall be deemed to  
4624 constitute compliance with those requirements.

4625 6. Grazing areas within two hundred feet of a type S~~((or))~~, F<sub>2</sub> or N water or  
4626 category I, II~~((or))~~, III, or IV wetland shall not be plowed during the rainy season from  
4627 October 1 through April 30.

4628 7. Grazing areas may extend to the property line, provided that type S~~((or))~~, F<sub>2</sub>  
4629 or N waters and category I, II~~((and))~~, III, or IV wetlands that are located adjacent to the  
4630 property line are ~~((buffered))~~ protected in accordance with subsection B.1., 2., or 3. of  
4631 this section.

4632 C.1. In addition to the buffers in subsection B.~~((1. and 2.))~~ of this section,  
4633 confinement areas located within two hundred feet of any type S~~((or))~~, F, or N waters or  
4634 category I, II~~((or))~~, III, or IV wetlands with the exception of grazed wet meadows shall:

4635 a. have a twenty-foot-wide vegetative filter strip downhill from the  
4636 confinement area, consisting of heavy grasses or other ground cover with high stem  
4637 density and that may also include tree cover;

4638 b. not be located in ~~((the buffer of))~~ a riparian area adjacent to any type S~~((or))~~,  
4639 F, or N water or any wetland buffer required by the critical areas ordinance in effect at  
4640 the time the confinement area is built, or within fifty feet of the wetland edge of any  
4641 category I, II~~((or))~~, III, or IV wetland or the ordinary high water mark of any type S~~((or))~~,  
4642 F, or N water. Fencing shall be used to establish and maintain the buffer except where  
4643 existing natural vegetation is sufficient to exclude livestock from the buffer~~((Existing~~  
4644 ~~confinement areas that do not meet these requirements shall be modified as necessary to~~  
4645 ~~provide the buffers specified in this section within five years of January 1, 2005, though~~  
4646 ~~the footprint of existing buildings need not be so modified))~~; and

4647 c. have roof drains of any buildings in the confinement area diverted away  
4648 from the confinement area.

4649 2. Confinement areas may extend to the property line~~((;))~~ if aquatic areas and  
4650 wetlands adjacent to the property line are buffered in accordance with ~~((K.C.C. this))~~  
4651 subsection C. of this section.

4652 D.1. Manure storage areas shall be managed as follows:

4653 a. Surface flows and roof runoff shall be diverted away from manure storage  
4654 areas;



4655           b. All manure stockpiled within two hundred feet uphill of any the ordinary  
4656 high water mark of a type S ~~(( $\text{S}$ ))<sub>1</sub> F<sub>1</sub> or N water or the edge of a category I, II~~(( $\text{I}$ ))<sub>1</sub> III,  
4657 or IV wetland shall either be covered in a manner that excludes precipitation and allows  
4658 free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or  
4659 manure lagoon or held for pickup in a dumpster, vehicle<sub>2</sub> or other facility designed to  
4660 prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be  
4661 monitored quarterly for the first two years after installation, then annually unless  
4662 problems were identified in the first two years, in which case quarterly monitoring shall  
4663 continue and appropriate adjustments shall be made;~~~~

4664           c. Manure shall not be stored in any ~~((aquatic area buffer))~~ riparian area or  
4665 wetland buffer, with the exception of grazed or tilled wet meadows unless there is no  
4666 other alternative on the property. Manure shall be stored in a location that avoids having  
4667 runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer  
4668 than one hundred feet uphill from:

- 4669           (1) any wetland edge excluding grazed or tilled wet meadows;  
4670           (2) the ordinary high water mark of any aquatic area; or  
4671           (3) any ditch to which the topography would generally direct runoff from the  
4672 manure; and

4673           d. The location may be reduced to no closer than fifty feet if the manure pile is  
4674 part of an active compost system that is located on an impervious surface to prevent  
4675 contact with the soil and includes a leachate containment system.

4676           2. Manure shall be spread on fields only during the growing season, and not on  
4677 saturated or frozen fields.

4678 E. For purposes of this section, "buffer maintenance" means allowing vegetation  
4679 in the grazing area buffer that provides shade for the aquatic area or acts as a filter for  
4680 storm water entering the aquatic area, other than noxious weeds, to grow to its mature  
4681 height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer  
4682 is allowed only for establishment of watering and crossing points, or for other activities  
4683 permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

4684 F. Properties ~~((that have))~~ with existing fencing ~~((already))~~ installed at distances  
4685 other than those specified in these standards, and for which livestock management farm  
4686 plans have been developed based on the existing fencing locations, shall be deemed to be  
4687 in compliance with the fencing requirements of these standards ~~((Properties with or  
4688 without a livestock management component of a farm management plan that complied  
4689 with the fencing requirements in effect before January 1, 2005, shall have five years from  
4690 January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt  
4691 from fencing under ordinances in effect before January 1, 2005)),~~ provided approved  
4692 fencing is present for all type S and F aquatic areas.

4693 G. Buffer areas shall not be subject to public access, use, or dedication by reason  
4694 of the establishment of such buffers.

4695 SECTION 85. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby  
4696 amended to read as follows:

4697 A. A person who alters a critical area or buffer in violation of law shall undertake  
4698 corrective work in compliance with this chapter and K.C.C. ~~((chapter 23.08))~~ Title 23.  
4699 When feasible, corrective work shall include restoration of the critical area and buffer.  
4700 Corrective work shall be subject to all permits or approvals required for the type of work

4701 undertaken. In addition, the violator shall be subject to all fees associated with  
4702 investigation of the violation and the need for corrective work.

4703 B. When a wetland or buffer is altered in violation of this title, restoration of the  
4704 wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

4705 C. When an aquatic area or (~~buffer~~) riparian area is altered in violation of this  
4706 title, restoration of the (~~stream and buffer~~) aquatic area or riparian area shall comply  
4707 with the restoration standards in K.C.C. 21A.24.380.

4708 D. All corrective work shall be completed within the time specified in the  
4709 corrective work plan, but in no case later than one year from the date the corrective work  
4710 plan is approved by the department, unless the director authorizes a longer period. The  
4711 violator shall notify the department when restoration measures are installed and  
4712 monitoring is commenced.

4713 E. Any failure to satisfy corrective work requirements established by law or  
4714 condition including, but not limited to, the failure to provide a monitoring report within  
4715 thirty days after it is due or comply with other provisions of an approved corrective work  
4716 plan shall constitute a default, and the department may demand payment of any financial  
4717 guarantees or require other action authorized by K.C.C. Title 27A or other applicable  
4718 law.

4719 F. Reasonable access to the corrective work site shall be provided to King  
4720 County for the purpose of inspections during any monitoring period.

4721 SECTION 86. The following are hereby repealed:

4722 A. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

4723 B. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

- 4724 C. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;
- 4725 D. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;
- 4726 E. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;
- 4727 F. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and
- 4728 G. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

4729 SECTION 87.

4730 A. Attachment A to this ordinance is adopted as amendments to the 2024 King  
4731 County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance  
4732 2024-0440).

4733 B. The elements of the 2024 King County Comprehensive Plan in Attachment A  
4734 to this ordinance are hereby amended to read as set forth in this ordinance and are  
4735 incorporated herein by this reference.

4736 C. The elements of the King County Shoreline Master Program in sections 41,  
4737 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81,  
4738 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and  
4739 are incorporated herein by this reference.

4740 SECTION 88. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.  
4741 20.12.010 are hereby amended to read as follows:

4742 Under the King County Charter, the state Constitution, and the Growth  
4743 Management Act, chapter 36.70A RCW, King County adopted the 1994 King County  
4744 Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan  
4745 for King County until amended, repealed, or superseded. The Comprehensive Plan has  
4746 been reviewed and amended multiple times since its adoption in 1994. Amendments to

4747 the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County  
4748 Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2023-  
4749 0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal  
4750 planning document for the orderly physical development of the county and shall be used  
4751 to guide subarea plans, functional plans, provision of public facilities and services,  
4752 review of proposed incorporations and annexations, development regulations, and land  
4753 development decisions.

4754         SECTION 89. The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59,  
4755 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this  
4756 ordinance to the state Department of Ecology for its approval, as provided in RCW  
4757 90.58.090.

4758         SECTION 90. Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71,  
4759 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the  
4760 shoreline jurisdiction fourteen days after the state Department of Ecology provides  
4761 written notice of final action stating that the proposal is approved, in accordance with  
4762 RCW 90.58.090. The executive shall provide the written notice of final action to the  
4763 clerk of the council.

4764         SECTION 91. Severability. If any provision of this ordinance or its application

4765 to any person or circumstance is held invalid, the remainder of the ordinance or the  
4766 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Dave Upthegrove, Chair

ATTEST:

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Melani Hay, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Critical Areas Comprehensive Plan Updates